

EXHIBIT 1

Orlando Sentinel (Orlando, Florida)

Distributed by Knight/Ridder Tribune News Service

May 13, 2006 Saturday

Sex-case defendant gets probation: Frank Figueroa 'tarnished the badge' of Immigration and Customs Enforcement, a former colleague says

BYLINE: Pedro Ruz Gutierrez, The Orlando Sentinel, Fla.

SECTION: STATE AND REGIONAL NEWS

LENGTH: 564 words

May 13--An Orange County judge on Friday sentenced a top federal agent to a year's probation after he pleaded no contest to exposing himself to a 16-year-old girl at Mall at Millenia last year.

Judge Leon Cheek III also barred Frank Figueroa, 49, from malls and food courts where children gather and limited his contact with minors during his probation. Cheek withheld adjudication of guilt against prosecutors' wishes, meaning there will be no record of a conviction. Figueroa, a 30-year federal customs and immigration veteran, will keep his pension after his planned retirement in August.

Cheek also ordered Figueroa, the suspended head of the U.S. Immigration and Customs Enforcement office in Central and North Florida, to undergo a psychological evaluation and write a letter of apology to the victim. He must pay a \$500 court fine and complete 200 hours of community service.

Before his current job, Figueroa was in charge of Operation Predator -- a federal program that deports foreigners convicted of sex crimes.

Within six months, Cheek said he will schedule another court hearing to decide how much restitution Figueroa should pay to the victim's family for travel costs and lost wages.

Homeland-security officials would not address Figueroa's job status or a pending internal investigation by the department's Office of Inspector General. Jamie Zuieback, a homeland-security spokeswoman, said the department "has taken necessary and appropriate steps to sever his ties with the agency while protecting the privacy and interests of his family."

Figueroa was arrested Oct. 25 after the girl told mall security officers that Figueroa fondled himself for about 10 minutes while he sat in the mall's food court.

At Friday's sentencing, Figueroa questioned that account even as he said he took "responsibility" for his actions. He told the judge he "had been scratching" himself and may have "inadvertently" exposed himself.

A. Brian Phillips, Figueroa's attorney, told Cheek his client had been punished enough and should not be held to a higher standard simply because of his stature.

Sex-case defendant gets probation: Frank Figueroa 'tarnished the badge' of Immigration and Customs Enforcement, a former colleague says Orlando Sentinel (Orlando, Florida) May 13, 2006 Saturday

After the 90-minute hearing, the victim's mother said Figueroa was a sexual predator even though he will not carry that designation as a result of his sentence.

"I have no doubt in my mind about his guilt. . . . He's sick, and I feel sorry for his family," said the mother, whose name is being withheld to protect her daughter's identity.

Figueroa's wife and 14-year-old daughter testified on his behalf Friday.

C.C. Savage, a retired federal agent and former Figueroa colleague, criticized the light sentence and said Figueroa had brought shame on the agency.

"I think he tarnished the badge of everyone who ever worked in customs and immigration enforcement," Savage said after the sentencing.

According to Orange County court data, judges withhold adjudication of guilt 28 percent of the time in similar cases.

In 210 out of 740 cases where guilt was withheld, 59 defendants got probation and 151 received some jail time. The rest got some jail time and probation.

Pedro Ruz Gutierrez can be reached at pruz@orlandosentinel.com or 407-420-5620.

Copyright (c) 2006, The Orlando Sentinel, Fla. Distributed by Knight Ridder/Tribune Business News. For information on republishing this content, contact us at (800) 661-2511 (U.S.), (213) 237-4914 (worldwide), fax (213) 237-6515, or e-mail reprints@krtinfo.com.

LOAD-DATE: May 13, 2006

LANGUAGE: ENGLISH

ACC-NO: 20060513-OS-0513-Sex-case-defendant-gets-probation

PUBLICATION-TYPE: Newspaper

JOURNAL-CODE: OS

Copyright 2006 Orlando Sentinel

EXHIBIT 2

Tampa Tribune (Florida)

May 13, 2006 Saturday
FINAL EDITION

Tampa ICE Official To Serve Probation

BYLINE: ELAINE SILVESTRINI, esilvestrini@tampatrib.com

SECTION: NATION/WORLD; Pg. 1

LENGTH: 929 words

FEDERAL AGENT ACCUSED OF EXPOSING HIMSELF

By ELAINE SILVESTRINI

esilvestrini@tampatrib.com

ORLANDO - The former head of a Homeland Security program targeting child predators will serve no jail time for exposing himself to a teenage girl in a mall.

No conviction will appear, either, on the record of Frank Figueroa, 49, if he successfully completes 363 days' probation. The sentence was ordered Friday by Orange County Judge Leon B. Cheek III, who granted a defense request to withhold judgment.

Cheek noted that Figueroa faced a similar charge 29 years ago and expressed concern about a pattern of behavior.

As part of his probation, Figueroa, the former agent in charge of the Tampa office of U.S. Immigration and Customs Enforcement, must do 200 hours of community service work, undergo a psychosexual evaluation, and stay away from food courts and areas where teens congregate.

The sentence capped an emotional hearing Friday that included tearful pleas from Figueroa's wife and 14-year-old daughter and an angry statement from the victim's mother.

"He's the one who's a bad person, not my daughter," said Cleme Consalvo, the mother of 16-year-old Rachel Wright, of Stuart. Their names are being published by the Tribune because they decided to go public. "I am proud of my daughter for standing up," Consalvo said.

Figueroa's wife, Mariela, said, "My husband is a righteous and loyal public servant who cares for his fellow man. ... I am very proud of Frank and what he has accomplished in his life."

"I desperately hope you come to the realization that my father is incapable of this crime based on his history and overall character," said Christene Figueroa, who wept and gasped throughout her quiet statement.

Judge Questions Sincerity

Cheek expressed reservations about Figueroa's reluctance to fully accept responsibility for his actions Oct. 25 in the food court of Orlando's Mall at Millenia.

Noting that witnesses said Figueroa fled the scene when approached by officers, Cheek asked Figueroa to admit what he did and demonstrate remorse. Figueroa pleaded no contest last month to charges of exposure of sexual organs and disorderly conduct.

The judge said he decided to put Figueroa on probation but was grappling with whether to withhold a judgment of guilt. Assistant State Attorney Erin De Young argued for the judgment, saying what Figueroa did should be acknowledged by the court.

"I am very sorry for the pain this has caused everyone, not just my family," Figueroa told the judge. "This is something I have wrestled with ever since this happened. It's hard for me to wrap my arms around this whole event."

Cheek cut him off, telling Figueroa that he has a problem and that the way to start to change is to accept what he did.

"I want to do what's right," Figueroa responded. "I had been scratching my crotch. ... I don't know what she saw. ... I was not masturbating. She might have seen my penis. I'm saying I'll take responsibility."

The judge was skeptical. "I have never inadvertently exposed myself," Cheek said. "It just does not happen."

After Figueroa repeated his contention, the judge said, "What I'm trying to do is find some reason to trust you."

"I was sitting at the mall about 15 feet from her when my penis came out of my shorts," Figueroa said. "I accept responsibility for what I did."

"I've had to drag it out of you," Cheek said. "You are 90 percent admitting what you did."

Figueroa Plans To Retire

According to defense attorney A. Brian Phillips, Figueroa is on leave from his job with ICE and plans to retire when he is eligible in August.

ICE officials in Washington refused to answer questions about Figueroa's status or the status of an internal investigation.

Spokeswoman Jamie E. Zuieback released a brief statement: "Immigration and Customs Enforcement immediately placed Mr. Figueroa on leave and confiscated his weapon and credentials. ... ICE recognizes the serious nature of Mr. Figueroa's conduct and has taken necessary and appropriate steps to sever his ties with the agency while protecting the privacy and interests of his family."

Figueroa's arrest prompted a national review of background checks conducted on Homeland Security employees who target child exploitation after a federal official revealed that Figueroa had been arrested on similar charges in Amherst, N.Y., in 1977.

At the time, he was an inspector with the U.S. Customs office in Buffalo. That case was dismissed.

Cheek said he wouldn't consider Figueroa's past arrest in passing sentence, except to note that it fit a pattern of compulsive behavior.

"It's a tragedy when a person's compulsive actions destroy their lives," Cheek said.

"I can't imagine the turmoil you went through in your life that you have the desire to expose yourself in public," he said.

Cheek said that he thinks Figueroa will do well on probation.

"The concern I have is down the road," the judge said. "This type of compulsive behavior doesn't respond to logic and reason."

(CHART) PUNISHMENT

- o 363 days of probation
- o 200 hours of community service
- o A psychosexual evaluation
- o Cannot be around areas where teens gather

Reporter Elaine Silvestrini can be reached at (813) 259-7837.

Photo: Frank Figueroa

No conviction will appear on his record.

Photo credit: Tribune photos by GREG FIGHT

Photo: Frank Figueroa, former head of Homeland Security's program targeting child predators, must complete 363 days of probation.

Photo: Cleme Consalvo called Figueroa "a bad person" for exposing himself to her daughter.

Copyright © 2006, The Tampa Tribune and may not be republished without permission. E-mail library@tampatrib.com

LOAD-DATE: May 15, 2006

LANGUAGE: ENGLISH

GRAPHIC: PHOTO 3 CHART

PUBLICATION-TYPE: Newspaper

EXHIBIT 3

Tampa Tribune (Florida)

February 9, 2006 Thursday
Correction Appended
FINAL EDITION

Teenage Accuser Faces Defendant

BYLINE: ELAINE SILVESTRINI, esilvestrini@tampatrib.com

SECTION: METRO; Pg. 1

LENGTH: 620 words

ORLANDO - Minutes after Frank Figueroa, one of Florida's top federal lawmen, walked out of a county courtroom, looking defeated and deflated and refusing to talk to reporters, Cleme Consalvo stood next to her 16-year-old daughter and faced the television cameras.

"I'm very proud of my daughter," Consalvo said. "I'm very proud of her for standing up and telling him he's not going to get away with it.

"I just want him to learn his lesson," Rachel Wright said.

Figueroa, who once led a national program targeting child predators, faces accusations that he exposed himself and masturbated in front of the 16-year-old Oct. 25 at the food court in The Mall at Millenia. Special agent in charge of the Tampa office of Immigration and Customs Enforcement at the time, Figueroa was in Orlando attending a conference of gang investigators.

Wearing one of his signature tailored suits for a court hearing Wednesday, Figueroa was missing the confidence and swagger that characterized his tenure in Tampa. Instead, he sat slumped quietly in the courtroom spectator gallery.

Background Checks Reviewed

Figueroa's arrest prompted a national review of background checks conducted on federal Homeland Security Department employees who target child exploitation after a federal official revealed that Figueroa had been arrested for similar behavior in Amherst, N.Y., in 1977 when he was an inspector with the U.S. Customs office in Buffalo. That case was dismissed.

Now, Figueroa faces charges of exposure of sexual organs and disorderly conduct, which carry a potential punishment of more than a year in prison. He has pleaded not guilty.

Attorneys met Wednesday with Orange County Judge Leon B. Cheek III. The hearing marked the first time Rachel Wright saw Figueroa since the alleged incident in the mall.

The Tampa Tribune has a policy against naming victims in sex cases. However, both the girl and her mother gave permission to publish their names because, they said, they have no reason to be ashamed.

Uneasy Confrontation

Still, Cleme Consalvo said being in court was difficult. She said tears welled in her daughter's eyes and she was sick to her stomach.

Consalvo said the family had evacuated to Orlando from their home in Stuart that day because of Hurricane Wilma, and they had gone to the mall to be safe.

"I just want to say this man was really sick," Rachel Wright told reporters. When the incident happened, "I was mad. There were little children playing right behind us. ... We were in the middle of the food court. It just makes my stomach feel very ill."

Rachel said she wanted to "warn people to watch out" for men like Figueroa and to urge those who run into similar situations to "stand up."

"This is the face of a child," Cleme Consalvo said, gesturing toward her daughter. "She is a sweet girl. ... How would he feel if somebody did this to his daughter?"

Figueroa has two daughters, ages 13 and 25.

Earlier in court, defense attorney A. Brian Phillips asked the judge for permission to depose the girl. Although Cheek ordered the deposition, he limited questions that could be asked to the events of the day in question.

The judge said Phillips could not ask questions, for example, about anything in the girl's past or about conversations she had with her mother after that day.

Figueroa, 49, was placed on administrative leave immediately after his arrest, and he faces an internal investigation.

Reporter Elaine Silvestrini can be reached at (813) 259-7837.

Photo credit: WFTV/Orlando

Photo: Frank Figueroa, entering court Wednesday in Orlando, is accused of masturbating in front of a 16-year-old girl Oct. 25 at a mall.

Copyright © 2006, The Tampa Tribune and may not be republished without permission. E-mail library@tampatrib.com

LOAD-DATE: February 17, 2006

LANGUAGE: ENGLISH

CORRECTION-DATE: February 9, 2006

CORRECTION: Rachel Wright is the name of the 16-year-old girl who alleges federal agent Frank Figueroa exposed himself at an Orlando mall in October. Her last name was incorrect in Thursday's Metro section.

GRAPHIC: PHOTO

ORLANDO - Minutes after Frank Figueroa, one of Florida's top federal lawmen, walked out of a county courtroom, looking defeated and deflated and refusing to talk to reporters, Cleme Consalvo stood next to her 16-year-old daughter and faced the television cameras.

EXHIBIT 4

Tampa Tribune (Florida)

June 15, 2006 Thursday
FINAL EDITION

Senator Questions Offender's Pension

BYLINE: ELAINE SILVESTRINI, The Tampa Tribune

SECTION: METRO; Pg. 2

LENGTH: 622 words

DATELINE: TAMPA

RETIRING FEDERAL AGENT EXPOSED SELF TO TEEN

By ELAINE SILVESTRINI

The Tampa Tribune

TAMPA - A U.S. senator wants to know why a former top Homeland Security official is being allowed to keep his pension after pleading no contest to charges he exposed himself to a teenage girl.

Frank Figueroa, 49, was sentenced in May to probation after he pleaded no contest to exposing sexual organs and disorderly conduct. Formerly the national head of a program by Immigration and Customs Enforcement that targeted child predators, Figueroa was the special agent in charge of the Tampa ICE office when he was arrested in October.

As part of his sentence, Figueroa was ordered to write a letter of apology to the 16-year-old victim and her mother. The victim's mother, Cleme Consalvo, said Wednesday that a probation officer told her that Figueroa instead wrote a "letter of justification" and was being made to rewrite it.

After Figueroa's arrest for the incident in an Orlando mall, Sen. Charles Grassley, R-Iowa, learned that Figueroa might have been arrested on a similar charge in the past.

Grassley wrote Homeland Security officials, who confirmed that Figueroa was arrested for similar behavior in New York in 1977. That case was dropped. Figueroa then was an inspector with the U.S. Customs office in Buffalo.

In response to Grassley's concerns, the department launched a review of background checks on employees who target child exploitation.

ICE is the law enforcement arm of Homeland Security, formed from components of the former U.S. Customs and Immigration and Naturalization Service.

Wednesday, Grassley wrote the department again, this time asking for an explanation of news reports that said Figueroa would be able to keep his pension.

"Given his extraordinary violation of public trust and reported failure to take full responsibility for his actions, it is unclear why he should earn credit towards his retirement for time spent on administrative leave since his arrest," Grassley wrote. "I request that you provide my staff with a detailed briefing on this agreement and explanation of why Figueroa is being allowed to begin receiving his pension this August."

Figueroa's attorney, Brian Phillips, did not return a phone call late Wednesday afternoon seeking comment. At Figueroa's sentencing, Phillips told reporters his client remained on administrative leave with ICE and planned to retire when he becomes eligible in August.

ICE spokeswoman Jamie Zuieback said Wednesday she could not comment on Grassley's letter, except to refer to a statement she released the day Figueroa was sentenced. The statement says, "ICE recognizes the serious nature of Mr. Figueroa's conduct and has taken necessary and appropriate steps to sever his ties with the agency while protecting the privacy and interests of his family."

Consalvo welcomed Grassley's intervention. "Frank Figueroa does not deserve any kind of pension because he did not deserve to have that job in the first place. I resent the fact that my money is being used to pay his pension."

In passing sentence, Orange County Judge Leon B. Cheek III expressed frustration with Figueroa's reluctance to admit his guilt. Figueroa told the judge he might accidentally have exposed himself to the girl while scratching himself.

Still, the judge granted a defense request that he withhold judgment of guilt, meaning if Figueroa conforms to the requirements of his probation, he will not have a conviction on his record.

Editor Howard Altman contributed to this report. Contact Elaine Silvestrini at (813) 259-7837 or esilvestrini@tampatrib.com

Photo: Frank Figueroa

Photo: Charles Grassley

Copyright © 2006, The Tampa Tribune and may not be republished without permission. E-mail library@tampatrib.com

LOAD-DATE: June 19, 2006

LANGUAGE: ENGLISH

GRAPHIC: PHOTO 2

.

PUBLICATION-TYPE: Newspaper

EXHIBIT 5

Tampa Tribune (Florida)

January 25, 2006 Wednesday
FINAL EDITION

Local Case Sparks Review Of Agents' Pasts

BYLINE: HOWARD ALTMAN, haltman@tampatrib.com

SECTION: NATION/WORLD; Pg. 1

LENGTH: 682 words

By HOWARD ALTMAN

haltman@tampatrib.com

TAMPA - The arrest of a former immigration chief based in Tampa has prompted the Department of Homeland Security to conduct a national review of background checks conducted on employees who target child exploitation.

A former inspector general with Homeland Security says the Tampa case reveals flaws in the department's background-check procedures.

Homeland Security ordered the review last month after receiving a letter from the office of Sen. Chuck Grassley, an Iowa Republican. Grassley was seeking more information about Frank Figueroa, the former head of the Tampa office of Immigration and Customs Enforcement who was arrested in October and accused of exposing himself in front of a teenage girl at an Orlando mall.

Before coming to Tampa, Figueroa headed Operation Predator - created to find and deport non-citizens who committed sex crimes against children.

Grassley asked for the investigation because his office had information that Figueroa was arrested on similar charges in the past.

Grassley asked Homeland Security Secretary Michael Chertoff to confirm the information and explain how Figueroa could "attain such a senior position at ICE and what has been done to ensure that a similar mistake will not recur in the future."

Homeland Security responded in writing Dec. 5, through Pamela J. Turner, assistant secretary for legislative affairs. Turner said Figueroa had been arrested "for similar behavior" in Amherst, N.Y., in 1977.

The case was dismissed, Turner wrote, "in the interest of justice because the perpetrator was never identified."

At the time, Figueroa was an inspector with the Buffalo, N.Y., customs office.

Because of the earlier arrest, Turner wrote, ICE has initiated a review of all background investigations of employees who work on Operation Predator. She did not say whether a prior arrest would preclude work with the unit.

In Washington, ICE spokeswoman Jamie Zuieback said the agency has placed Figueroa on administrative leave and launched an internal investigation.

"In addition," Zuieback said, "ICE has put measures in place to ensure that employees working on child exploitation cases are suitable for this highly specialized and sensitive assignment and is reviewing the background investigations of all those assigned to child exploitation cases."

Figueroa was arrested Oct. 25 at the Mall at Millenia in Orlando and charged with exposure of sexual organs and disorderly conduct - both misdemeanors - after a 16-year-old girl told security officers that he began masturbating in front of her.

Figueroa has pleaded not guilty and is scheduled to appear at a preliminary hearing in Orlando next month. Figueroa's attorney, Brian Phillips, said the earlier arrest in New York should have no bearing on the current case or Figueroa's career.

"That was 28 years ago," Phillips said. "People are wrongfully arrested from time to time. He somehow managed to pass an entire federal background check and remain in service for almost 30 years."

A former inspector general for homeland security, Clark Kent Ervin, said the decision to review the ICE background checks indicates the initial review process wasn't thorough enough.

"The department has had a big problem with less-than-thorough background investigations," Ervin said, "as we found during my time as inspector general with respect to both air marshals and airport screeners. So, this comes as no surprise."

Asked whether Figueroa should have been allowed to lead Operation Predator, Ervin was blunt.

"Certainly no," he said.

Editor Howard Altman can be reached at (813) 259-7629

Photo: Frank Figueroa

Immigration chief was arrested in late October and accused of exposing himself to a teenager.

Photo: Chuck Grassley

Senator sparked investigation with letter to the Department of Homeland Security.

Photo credit: Tribune photo by JASON BEHNKEN

Photo: Frank Figueroa became the special agent in charge of the Tampa office of Immigration and Customs Enforcement in October.

Copyright © 2006, The Tampa Tribune and may not be republished without permission. E-mail library@tampatrib.com

LOAD-DATE: January 28, 2006

LANGUAGE: ENGLISH

GRAPHIC: PHOTO 3

TAMPA - The arrest of a former immigration chief based in Tampa has prompted the Department of Homeland