

# Closed Criminal Division Cases

3 minutes

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## **United States v. Dennis Balius**

**Court Docket No.: 3:17-cr-00273-HZ (D. Oregon)**

### **Case Updates**

**Court Assigned:** This case is assigned to Judge Marco A. Hernández, U.S. District Court for the District of Oregon, Mark O. Hatfield Federal Building, U.S. Courthouse, 1000 Southwest Third Ave., Portland, OR 97204-2944. Unless noted in an update below, all court events will take place at this location.

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**UPDATE – September 6, 2018:** On August 30, 2018, defendant Balius was sentenced to 37 months of imprisonment, followed by 2 years of supervised release.

In addition, defendant Balius was ordered to pay \$170,825.87 in restitution.

It is important for you to know that just because the Court ordered the defendant to make restitution in this case does not mean that the defendant is financially capable of making restitution at this time. In the event that sufficient restitution payments are received from the defendant, the funds will be distributed by the Clerk of the United States District Court for the District of Oregon.

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The sentencing for defendant Balius, previously scheduled for July 20, 2018, has been **rescheduled** for **August 30, 2018** at **2:00 PM**.

If you are a victim of the charged offense(s) and wish to be heard at sentencing, please call our office well in advance of the scheduled hearing date.

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The sentencing for defendant Balius, previously scheduled for July 9, 2018, has been rescheduled for July 20, 2018 at 10:00 AM.

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The sentencing for defendant Balius, previously scheduled for May 21, 2018, has been rescheduled for July 9, 2018 at 9:00 AM.

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The sentencing for defendant Balius, previously scheduled for February 6, 2018, has been rescheduled for May 21, 2018, at 1:30 PM.

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The sentencing for defendant Balius, previously scheduled for November 1, 2017, has been rescheduled for February 6, 2018, at 9:00 AM.

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Defendant Dennis Balius is scheduled to be sentenced on November 1, 2017, at 01:30 PM in Portland Courtroom 14B, before Judge Hernández.

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For information about the charges in this case, please [click here](#).

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Because of the court's schedule, hearing dates could change on very short notice. If you plan on attending, you may want to contact the **Victim Assistance Line toll-free at (888) 549-3945** or **email** us at [victimassistance.fraud@usdoj.gov](mailto:victimassistance.fraud@usdoj.gov).

# Closed Criminal Division Cases

5-7 minutes

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[Click here for the latest update.](#)

**Criminal Charges:** On July 18, 2017, Dennis Balius, a former supervisor at an aluminum extrusion manufacturing company in Portland, Oregon, was charged in a criminal information with one count of mail fraud for his role in a decade-long scheme involving the fraudulent certification of mechanical properties for parts manufactured by his former employer.

Balius pleaded guilty to the charge on July 26, 2017. As part of his guilty plea, Balius admitted that, as a lab supervisor at a Portland-area aluminum extrusion manufacturing facility, he trained and directed lab technicians – who conducted testing on aluminum extrusions – to falsify mechanical properties test results for extrusions that failed to meet industry specifications. Balius admitted that from the time he became a lab supervisor in or about 2003 through the end of his employment in 2015, he routinely falsified and instructed lab technicians to falsify test results to ensure the company's unreliable and inconsistent production

practices would not prevent aluminum extrusions from being shipped to customers. Balius also admitted that he made, or directed lab technicians to make, alterations to failing test results if the shipping department asked him to rush an order because ensuring on-time delivery of aluminum helped him and other employees receive bonuses.

Balius further admitted that his former employer determined that he and the lab technicians altered the mechanical properties of aluminum extrusions over 4,000 times, allowing the manufacturing company to gross over \$6.8 million in total sales based on altered test results.

**For more information about the charges, please see below:**

[Press Release](#) – July 27, 2017

[Information](#)

[Plea Agreement](#)

**Victim Impact Statement:** If you would like to submit a Victim Impact Statement (or a letter addressed to District Court Judge Hernández) you may do so by mailing the Victim Impact Statement below (or a letter to District Court Judge Hernández) **no later than October 4, 2017** to: Victim Witness Unit, U.S. Department of Justice, Criminal Division, Fraud Section, 10th & Constitution Avenue, NW, Bond Building, Room 4416, Washington, DC 20530. You also may submit the Victim Impact Statement via email at [Victimassistance.fraud@usdoj.gov](mailto:Victimassistance.fraud@usdoj.gov) or by fax at: (202) 514-3708.

[Victim Impact Statement \(PDF\)](#)

[Victim Impact Statement \(Fillable PDF\)](#)

The information on this website will be updated as new developments arise in the case. If you have any questions, **please call the Victim Assistance Line toll-free at (888) 549-3945**

**or email** us at [victimassistance.fraud@usdoj.gov](mailto:victimassistance.fraud@usdoj.gov).

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Presumption of Innocence: It is important to keep in mind that defendants are presumed innocent until proven guilty and that presumption requires both the court and our office to take certain steps to ensure that justice is served.

Crime Victims' Rights Act and Right to Retain Counsel: The Crime Victims' Rights Act (18 U.S.C. § 3771) applies only to victims of the counts charged in federal court, and thus individuals may not be able to exercise all of these [rights](#) if the crime of which the individual is a victim was not charged. Section 377I(c)(2) of this Act requires that we advise you that you have the right to retain counsel. Although the statute specifically sets forth your right to seek advice of an attorney with regard to your rights under the statute, there is no requirement that you retain counsel. The Government may not recommend any specific counsel, nor can the Government (or the Court) pay for counsel to represent you. Government attorneys represent the United States.

If you elect to obtain counsel to represent your interests, please have your attorney notify this office in writing at: U.S. Department of Justice, Criminal Division, Fraud Section, 10th & Constitution Avenue, NW, Bond Building, 4th Floor, Washington, DC 20530, Attention: Victim Witness Unit; fax: (202) 514-3708; or email: [victimassistance.fraud@usdoj.gov](mailto:victimassistance.fraud@usdoj.gov). If you elect not to retain counsel to represent your interests, you do not need to do anything.

Plea Agreements: Please be aware that many criminal cases are resolved by plea agreement between the Department of Justice and the defendant. You should also know that it is not unusual for a defendant to seek to negotiate a plea agreement shortly before trial is scheduled to begin. Plea agreements can be made at any time and as late as the morning of trial, leaving little or no opportunity to

provide notice to you of the date and time of the plea hearing. If the court schedules a plea hearing in this case, we will use our best efforts to notify you of available information as soon as practicable. If you want to inform the prosecutor of your views regarding potential plea agreements, or any other aspect of the case, please call the Victim Assistance Line toll-free at (888) 549-3945 or email us at [victimassistance.fraud@usdoj.gov](mailto:victimassistance.fraud@usdoj.gov), and we will put you in touch with the prosecutor.