

Former Troy city manager pleads to federal bribery charge

By: [Terry Oparka](#) | [Troy Times](#) | Published August 24, 2018

Former Troy City Manager Brian Kischnick pleaded guilty to accepting bribes from a pavement contractor, a felony that carries up to 10 years in prison and a \$250,000 fine.

U.S. District Court Judge Nanci Edmunds accepted Kischnick's plea Aug. 22.

When Grant asked Kischnick to say "what you did," to warrant a guilty charge, he said he accepted \$1,000 in meals at a restaurant, \$2,000 in cash from DiLisio Contracting, which he said "did our (Troy's) roadwork," and \$2,379 also from DiLisio for meals and alcohol. DiLisio Contracting was previously unnamed in court documents.

"DiLisio is not being charged," said Dawn Ison, assistant U.S. attorney.

Kischnick said DiLisio did a \$3,500 removal and replacement of his driveway, which Kischnick didn't initially characterize as a bribe, saying it was "a driveway I just did not pay for."

This prompted Edmunds to ask: "You know what a bribe is, don't you? You know they weren't giving you things because they love you."

According to court records, between September of 2015 and March of 2018, Kischnick is accused of receiving cash and other things of value totalling \$20,879 from DiLisio with the intent to be influenced and rewarded in connection with business and transactions worth \$5,000 or more with the city of Troy with that contractor.

The plea agreement states that Kischnick solicited \$15,000 from that same contractor, and accepted \$3,000 in cash and free meals and liquor between 2017 and 2018.

John Freeman, an attorney based in Troy and representing DiLisio Contracting, told C & G Newspapers that his "clients were approached by Kischnick and illegal payments were sought. My clients never participated in a pay-to-play scheme or any bribery. If anything, DiLisio Contracting was a victim of Kischnick's. DiLisio did, however, cooperate fully with the FBI and Department of Justice doing the investigation of criminal activities and corruption. Nobody from DiLisio is charged, and there are assurances there will not be any charges."

Prosecutors said the bribes included a free apartment complete with furniture and paid utilities for \$42,599 from 2016 until March of this year that was "intended to influence and reward him," said Dawn Ison, assistant U.S. attorney.

She said Kischnick "moved up road improvements" for the apartment complex, but those charges were not included in the plea.

Kischnick's attorney, Anjali Prasad, a former assistant U.S. attorney, described a representative from DiLisio as "a snitch, wired up," who got Kischnick drunk, "after which Kischnick accepted only \$3,000," she said. She said she believes "they (DiLisio) got in trouble ... and said, 'We'll give you Kischnick.'"

She noted that other city officials were in attendance with Kischnick at a free meal that the contractor allegedly provided in December.

At a Jan. 22 City Council meeting, the council unanimously exercised the city's option to renew the contract with DiLisio for concrete slab replacement under the previous contract terms through June 2019 and to transfer \$2.2 million from the general fund for local slab replacement and parking lot improvements at Somerset Park Apartments.

A prepared statement from the city states that "city administration continues to pursue a forensic audit and implement other measures to protect taxpayers from unethical activity, including following competitive bid procedures.

"Mr. Kischnick victimized Troy residents and employees with his criminal behavior," City Manager Mark Miller is quoted as saying in the release. "We are taking action to ensure that the city of Troy is free from corrupt and unethical behavior now and in the future."

The press release states that "DiLisio Contracting was awarded the city's concrete paving contract over 10 years ago, prior to Kischnick's employment, through a competitive bid process. DiLisio recently earned a best value award by the City, demonstrating lowest cost to the City, and continued to provide quality service. The forensic audit will evaluate if Kischnick's actions resulted in elevated cost to taxpayers. ... While DiLisio was awarded the concrete paving contract in January 2018, the Troy City Council stipulated that the future contract will be awarded through a formal bid process in January 2019. The City currently has several ongoing infrastructure and roadway projects involving DiLisio that impact the safety and welfare of the community. The City is cooperating with the ongoing FBI investigation into this matter, including a dinner at a local restaurant that was allegedly attended by other employees and elected officials. If any additional wrongdoing is revealed by this investigation, City leadership will take action.

"Yesterday, City Administration obtained a copy of Kischnick's plea agreement. The document revealed previously unknown details involving a local apartment complex that will be addressed in the City's forensic audit."

The press release states that city officials recently completed "a comprehensive audit of security systems and access to critical accounts" and is implementing ethical responsibility training for employees."

Kischnick was hired as the Troy city manager in 2012. He was arrested on an assault charge March 9 and was fired two days later.

He pleaded no contest to domestic violence in 52-2 District Court April 16 and was sentenced to 15 months probation and 30 days jail time held in abeyance.

In July of 2016, Kischnick came under scrutiny for issues involving a car accident with a city vehicle, as well as questionable moves involving a vendor, the purchase of phone accessories and the city manager's car allowance.

Kischnick will be sentenced at 10 a.m. Dec. 13. His bond is set at \$10,000. He was required to surrender his passport.