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## **D.C. couple acquitted of misusing health-premium contributions at Hagerstown Hotel**

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5:20 PM EDT, May 4, 2012

After four days of testimony, a Washington County Circuit Court judge last week acquitted a Washington, D.C., couple accused of misusing employee health-premium contributions two years ago while working at the Hagerstown Hotel and Conference Center.

Yasaman Rowhani and Hassan Mohammadi were indicted in 2011 on one count each of theft scheme of more than \$500 and conspiracy to commit theft of more than \$500.

The indictments alleged the misuse of approximately \$18,000 in employee contributions between January and June 2009 that were to have paid the health care premiums of the employees at the hotel and conference center on Dual Highway, according to an Aug. 4, 2011, news release from the U.S. Department of Labor's Employee Benefits Security Administration.

The jury trial began Monday, with the prosecution concluding its case Thursday.

Defense attorneys Douglas R. Sparks and Bernard W. Semler II then introduced the motion for a judgment of acquittal.

Washington County Circuit Judge Daniel P. Dwyer granted it, saying he did not find evidence of criminal intent to commit theft and, because there was no intent to commit theft, there was no conspiracy.

Although the case began as a federal investigation, Mohammadi and Rowhani were indicted by a state grand jury and prosecuted by the Washington County State's Attorney's Office.

In his opening statement on Monday, Deputy State's Attorney Joseph Michael described the case as one of theft by deception.



The employees "were working there expecting they would have insurance coverage," Michael said.

Instead, the coverage was canceled because the premiums were not paid, he said.

"We're not alleging they took the money themselves," Michael said of the defendants.

But the money for the premiums was used for other purposes, and Rowhani and Mohammadi were essentially in charge of the business, he said.

In their opening statements, Sparks and Semler stressed that the convention center was owned by Watchwood LLC, which was owned by Rowhani's brother.

They said that the center's former comptroller, who was recently granted immunity for her testimony for the state, was the person responsible for writing the checks, billing and enrollment in the medical plan.

"It's the age-old tale of why businesses fail," Semler said.

Watchwood took over in 2007, and by early 2009, the recession hit the business hard.

The hotel eventually went into receivership and was sold, according to previous reports in The Herald-Mail.

"I recognize people suffered harm," Sparks said of the employees whose coverage was canceled.

However, it was not due to any actions by Rowhani and Mohammadi, he said.

A number of the victims enrolled in the medical plan had wages deducted even though they did not work enough hours to qualify for health insurance, he said.

"The biggest victims in this case were the ones who were charged and jailed," Sparks said.

The couple was arrested last year outside their home and were detained several days before posting bail.

Michael said it was right to prosecute the case because the employees had been victimized and not fully reimbursed for the money deducted from their pay.

Their medical coverage was canceled without them being told, and "they were left with the bill," he said.

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