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U.S. CHARGES BOLINGBROOK MAN WITH BRIBERY IN CONNECTION WITH AWARDING ARMY CORPS OF ENGINEERS CONTRACT IN IRAQ

CHICAGO – A Bolingbrook man working for the U.S. Army Corps of Engineers in Iraq and Afghanistan was arrested Saturday on federal bribery charges for allegedly soliciting \$40,000 from a contractor who was awarded a \$2.5 million project to build city parks in Kirkuk, Iraq, federal law enforcement officials announced today. The defendant, **Joselito Domingo**, appeared today in U.S. District Court in Baltimore, after being taken into custody at Baltimore Washington International Airport over the weekend upon his return from Bagram Air Force Base in Afghanistan. Domingo was confronted by law enforcement on April 28 as he left the Western Union office at Bagram after he allegedly retrieved \$4,770 that he believed was sent to him by the contractor who was cooperating with the FBI and Defense Department agencies throughout the investigation.

Domingo, also known as “Joe,” 45, of Bolingbrook, was charged with bribery in a criminal complaint that was unsealed today, announced Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, and Robert D. Grant, Special Agent-in-Charge of the Chicago Office of the Federal Bureau of Investigation.

The Government is seeking to have Domingo returned to Chicago in custody to face the charges in U.S. District Court here.

The investigation is being conducted by the U.S. Army Criminal Investigation Command, the Defense Criminal Investigative Service, the FBI and members of the National Procurement Fraud Task Force and the International Contract Corruption Task Force (ICCTF). The National Procurement Fraud Task Force, created in October 2006 by the Department of Justice, was designed to promote the early detection, identification, prevention and prosecution of procurement fraud associated with the increase in government contracting activity for national security and other government U.S. programs. The ICCTF is a joint law enforcement agency task force that seeks to detect, investigate and dismantle corruption and contract fraud resulting from U.S. Overseas Contingency Operations, including in Afghanistan, Iraq and Kuwait.

According to the complaint affidavit, Domingo was employed as a project engineer, and later resident engineer, for the Corps of Engineers and had responsibility for supervising various construction projects in and around Kirkuk from 2005 to November 2008. These projects, totaling between \$50 and \$100 million, included oil pipeline barriers, water projects, schools and roads, with Domingo reviewing contractor designs, performing evaluations and processing progress payments. Last November, Domingo returned to the United States for a few months before accepting a position with the Corps of Engineers earlier this year in Bagram, Afghanistan.

In late March, FBI and DoD investigators learned from two individuals that Domingo allegedly had been seeking \$100,000 from the contractor (CW-1) for two contracts, including the Kirkuk city parks contract, awarded by the Corps in 2008. In early April, CW-1 told agents that while CW-1's company was competing for the city parks contract and a \$2 million solid waste transfer station in Kirkuk, Domingo solicited a bribe of \$50,000 for each contract, for a total of \$100,000.

Ultimately CW-1 received only the city parks contract and Domingo dropped his demand to \$50,000, and CW-1 told Domingo in August 2008 that CW-1 could not pay until some of the money was received from the contract. Domingo allegedly responded that he understood and CW-1 could pay him after he approved the first progress payments. CW-1 said that Domingo repeated demands for money using cellular phone text messages, some of which are detailed in the affidavit.

CW-1 was fearful that CW-1's company would not get paid or might lose the contract and be "black listed" if the bribe to Domingo was not paid. Yet, because the payment was tied to the first progress payment, CW-1 waited to submit any requests for payment on the Kirkuk parks contract until after Domingo left Iraq in November 2008. Domingo, however, continued to send CW-1 text messages stating that he expected to be paid the \$50,000 and, at the direction of law enforcement, CW-1 continued to communicate with Domingo, saying the money would be paid, according to the affidavit.

In early April, CW-1 received a text message from Domingo stating that he was in Afghanistan, and in a subsequent phone call, Domingo allegedly asked about being paid and provided instructions to CW-1 for making the payment, which he agreed to reduce to \$40,000 because of a \$400,000 cut in the contract. In mid-April, Domingo allegedly directed CW-1 to send \$5,000 via Western Union to him in Afghanistan and to send \$35,000 in installments to a bank account in Domingo's wife's name in Illinois. On April 18, CW-1 received a message from Domingo's email account confirming that \$5,000 had been received in a credit union account in Lombard, the complaint charges.

The affidavit further alleges that Domingo visited Western Union's office at Kirkuk Air Force Base approximately 39 times between June 2007 and January 2008, and sent his wife more than \$40,000 during these transactions. At the same time, he also allegedly transferred approximately \$15,000 in cash to various individuals in the Philippines. In addition, domestic

currency reports showed that Domingo made various large cash deposits totaling \$40,000 into two different Bolingbrook bank accounts in September 2008 and January 2009. Those deposits, however, are not tied to the \$40,000 bribe that Domingo allegedly sought to obtain from CW-1.

The government is being represented by Assistant U.S. Attorney Brandon Fox.

If convicted, bribery carries a maximum penalty of 15 years in prison and a maximum fine of \$250,000. The Court, however, would determine the appropriate sentence to be imposed under the advisory United States Sentencing Guidelines.

The public is reminded that a complaint contains only charges and is not evidence of guilt. The defendant is presumed innocent and is entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt

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