

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	<b>CRIMINAL COMPLAINT</b>
v.	)	
	)	CASE NUMBER:
JOSELITO DOMINGO	)	

**UNDER SEAL**

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about April 17, 2009, at Bolingbrook and Lombard, in the Northern District of Illinois, Eastern Division, and elsewhere, JOSELITO DOMINGO, defendant herein:

a public official, directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept things of value, namely \$40,000, personally and for other people, in return for being influenced in the performance of an official act;

in violation of Title 18, United States Code, Section 201(b)(2). I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

\_\_\_\_\_  
 Signature of Complainant  
 PAUL DOBROVITS  
 Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

April 30, 2009 at Chicago, Illinois  
 Date City and State

NAN R. NOLAN, U.S. Magistrate Judge  
 Name & Title of Judicial Officer

\_\_\_\_\_  
 Signature of Judicial Officer

UNITED STATES DISTRICT COURT      )  
  ) ss  
NORTHERN DISTRICT OF ILLINOIS    )

**UNDER SEAL**

AFFIDAVIT

I, Paul Dobrovits, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed for fourteen years. My current responsibilities include the investigation of white collar crime, including mail fraud, wire fraud, and public corruption.

2. This affidavit is submitted in support of a criminal complaint alleging that Joselito Domingo, a public official, directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept things of value, namely \$40,000, personally and for other people, in return for being influenced in the performance of an official act, in violation of Title 18, United States Code, Section 201(b)(2). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging Domingo with bribery by a public official, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and from persons with knowledge regarding relevant facts, my review Domingo's incriminating statement to law enforcement agents, and my review of documents.

*Joselito Domingo*

4. Joselito “Joe” Domingo is an employee of the United States working for the United States Army Corps of Engineers (hereinafter “USACE”). When not deployed overseas, Domingo lives with his wife in Bolingbrook, Illinois. Domingo is a dual citizen of both the United States and the Philippines.

5. From approximately January 2005 until approximately September 2007, Domingo was employed as a project engineer for the USACE and was responsible for the supervision and administration of various projects located in the vicinity of Tameem Governnorate and the city of Kirkuk, Iraq. From approximately September 2007 until approximately November 2008, Domingo was employed as a resident engineer for the USACE and was responsible for the supervision and administration of all construction projects within a set geographic area within Iraq, including the city of Kirkuk. These projects totaled between \$50 million and \$100 million, and included construction of oil pipeline barriers, landfills, water projects, schools, roads, courthouses, and various other projects. As part of his duties, Domingo reviewed contractor designs, performed contractor evaluations, and processed progress payments for contractors.

6. In approximately November 2008, Domingo returned to the United States for a few months before accepting another engineering position with the USACE in early 2009, when Domingo was assigned to Bagram, Afghanistan as the Contracting Officer’s Technical Representative (“COTR”) for USACE contracts in his office’s area of responsibility. As a COTR, Domingo assisted the contracting officer in evaluating proposals/bids and in selecting

a contractor to receive the award of a contract. Domingo also was responsible for ensuring that this contractor complies with all the contract's requirements and specifications. Additionally, as a COTR, Domingo reviewed and approved contractors progress payment requests.

7. Pursuant to 5 C.F.R. §§ 2635.101 and 2635.702, as an employee of the United States, Domingo had a duty to the United States Government and its citizens to, among other things:

- a. Place loyalty to the laws and ethical principles above private gain;
- b. Not hold financial interests that conflict with the conscientious performance of duty;
- c. Unless otherwise permitted by law, not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties;
- d. Not use public office for private gain;
- e. Disclose fraud, abuse, and corruption to appropriate authorities; and
- f. Not use his Government position, title, and any authority associated with his public office in a manner that is intended to coerce or induce another person to provide any benefit, financial or otherwise, to himself or to others with whom he is affiliated in a nongovernmental capacity.

8. As part of his employment with USACE, Domingo was issued a U.S. Government mobile phone, a Nokia cell phone programmed with the telephone number 798979177 ("Domingo's USACE Phone"). Domingo signed a hand receipt acknowledging receiving Domingo's USACE Phone.

9. Also as part of his employment with USACE, Domingo was issued a laptop computer for his use in the performance of official duties for the USACE. Domingo signed the Army Corps of Engineers' policy with respect to the Department of Defense information system. By signing the document, Domingo acknowledged reading the policy and consented to many conditions with respect to the Department of Defense information system, which includes computers, systems, and devices attached to the information system. Among other things, Domingo consented to the government: (a) intercepting and monitoring communication on the information system, including interception and monitoring for law enforcement purposes; and (b) inspecting and seizing data stored on the information system.

***Domingo's Demands for Payment to CW1***

10. On March 20, 2009, agents from the FBI, Defense Criminal Investigation Service ("DCIS"), and U.S. Army Criminal Investigation Command ("U.S. Army CID") interviewed Individual A, an employee of a United States construction company in Iraq, at the U.S. Army Corps of Engineers' Kirkuk Area Office. Individual A stated that a friend of his, Confidential Witness 1 ("CW1"), told Individual A that he wanted to speak to Individual A about an important matter. CW1 explained that someone named Joselito Domingo was seeking \$100,000 from CW1 for two contracts CW1's company received from the United States Army Corps of Engineers in 2008.

11. According to Individual A, he/she asked CW1 if CW1 had evidence of Domingo's solicitation of money. CW1 then showed Individual A several text messages from 2008 that Domingo sent to CW1 soliciting the money. An associate of Individual A

who was present at the meeting downloaded the text messages onto a computer and gave an electronic copy of the messages to Individual A. Individual A then brought the electronic copy of the texts to the United States Army Corps of Engineers.

12. On March 20, 2009, agents from the FBI, DCIS, and U.S. Army CID interviewed Individual B, who is a contract employee with the United States Army Corps of Engineers. Individual B also stated that CW1 had explained to Individual B that Domingo asked CW1 for money. CW1 informed Individual B that Domingo threatened to fire CW1 from a parks development contract if CW1 did not give Domingo \$50,000. CW1 also stated that Domingo promised to award CW1 more contracts with the United States government if CW1 made the payment to Domingo. Individual B told agents that Individual B worked with tracking the updates to the Parks Project Contract. During this time, Individual B found that Domingo had overestimated the percentage that the project was completed. Individual B also noticed that Domingo had incorrectly reported the completion percentage for a separate contract with a different contractor in April 2008. As noted herein, records show Domingo caused large cash transactions to occur through Western Union transfers and deposits into his bank accounts from June 2007 through September 2008.

13. Agents from the FBI, DCIS, and U.S. Army CID conducted several interviews of CW1 beginning on April 4, 2009. According to CW1, he/she first met Domingo in 2006, when CW1's company was working on a USACE contract to drill water wells in Kirkuk Province, Iraq. CW1 stated that Domingo was the quality assurance inspector for that

contract. CW1 stated that after this contract was completed, CW1 submitted several bids for USACE contracts, but was not awarded any of them.

14. According to CW1, in June 2008, CW1's company was competing for two USACE contracts: (1) a \$2 million contract related to building a solid waste transfer station in Kirkuk (the "Waste Transfer Station Contract"); and (2) a \$2.5 million contract to build Kirkuk city parks (the "Kirkuk City Parks Contract"). CW1 stated that while CW1's company was competing for these bids, Domingo first demanded money. According to CW1, Domingo said that if CW1 wanted these two contracts, CW1 should pay Domingo \$50,000 each, for a total of \$100,000.

15. CW1 said that he/she told Domingo in August 2008 that CW1 could not pay until he/she received some of the money from these contracts. According to CW1, Domingo responded that he understood, and that CW1 could pay Domingo after Domingo approved the first progress payments for these contracts.

16. Ultimately, CW1 only received the Kirkuk City Parks Contract. CW1 stated that Domingo never explained to CW1 why CW1 was not awarded the Waste Transfer Station Contract. According to CW1, however, Domingo dropped his demand for money from \$100,000 to \$50,000 as a result of CW1 not receiving the Waste Transfer Station Contract. CW1 stated that Domingo continued to repeat these demands for money using text messages over his cellular phone in 2008.

### ***CW1's Text Messages***

17. I have reviewed the text messages that CW1 provided to the USACE through Individual A. These text messages were not sent by the cellular telephone issued to Domingo by the USACE. One of Domingo's former supervisors stated, however, that along with his USACE issued phone, Domingo had a personal cellular phone that was not issued by the USACE. According to one of the text messages, at 7:39 a.m. on August 29, 2008, Domingo told CW1 that "[i]f you don't accept your proposal including electricity, they might award to other contractor. The location is good, I know you will get \$500,000 profit or more." At 8:27 a.m., Domingo sent another message that stated, "[w]e award also Parks to you, hope U will give also on that." At 9:56 a.m., Domingo sent a text stating, "[CW-1] you are my brother." In a separate text message twenty minutes later, Domingo stated, "I trust U my brother and keep secret about our deal."

18. At 1:33 p.m on August 29, 2008, Domingo sent a text message to CW1 stating, "Ok, so U give \$25K for parks and \$25K for transfer station, then \$50K in first invoice 1, is that Ok for you?"<sup>1</sup> Domingo later asked, in a 1:56 p.m. text message, "Ok, when U will give \$50k?" At 2:17 p.m., Domingo wrote in a text message, "I'm the COR on both so don't worry. I'm asking when U give the first 50? I can meet U in gate 3 if U want."

***Domingo Renews Demands via Telephone Calls, Text Messages, and Emails***

19. According to CW1, Domingo could make it difficult for CW1's company to get paid, as Domingo was in a position to approve the progress payment requests. CW1 said

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<sup>1</sup> Although it did not receive the contract, at the time of the text message, CW1's company was still attempting to obtain the Waste Transfer Station Contract.



that he/she was also fearful that if CW1 did not make the payments to Domingo, that CW1's company would lose the contract and would be "black listed" from further USACE contracts. CW1, however, did not pay Domingo. According to CW1, because the payment to Domingo was tied to the first progress payment, CW1 waited to submit any requests for progress payments on the Kirkuk City Parks Contract until after Domingo left Iraq in November 2008.

20. CW1 stated that even after Domingo left Iraq in late 2008, Domingo sent text messages to CW1 advising CW1 that Domingo still expected to be paid the \$50,000 they had discussed when CW1 received his first progress payment from the Kirkuk City Parks Contract. At the direction of law enforcement, CW1 continued to communicate with Domingo and inform Domingo that CW1 would pay the \$50,000.

21. On April 5, 2009, CW1 received a text message from Domingo's USACE Phone stating that Domingo was "in Afghanistan, u s army corps of engineers. How are you?" CW1 later received a text message from Domingo's USACE Phone stating that CW1 should email Domingo at joeydom2008@yahoo.com ("Domingo's email account").

22. According to CW1, CW1 received a telephone call from Domingo's USACE Phone on April 5, 2009. CW1 said that he/she did not answer the initial call, but did answer when Domingo called a second time. This conversation was not recorded. CW1 stated that Domingo asked him/her if CW1 remembered the promise CW1 had made to Domingo. CW1 stated that he/she explained to Domingo that a lot of money had been cut from the project. According to CW1, Domingo asked CW1 if CW1 was still going to pay Domingo. CW1 told Domingo that CW1 would still pay and asked how CW1 would send the money to Domingo.

CW1 stated that Domingo instructed CW1 to send an email to Domingo's email account and that Domingo would provide CW1 with the account information to send a wire transfer.

23. Based on these instructions and with law enforcement concurrence, CW1 sent an email to Domingo's email account on April 5, 2009 that stated:

you know I promise you before but they cut the 400,000 \$ from my total cost,as I told you today by cellphone when you call me,

and now howmuch you wont to send you.andhow? (sic throughout)

24. Domingo sent CW1 a text on April 6, 2009, providing CW1 with the information of a credit union account in Lombard, Illinois, held in Domingo's wife's name. On April 8, 2009 at 5:56 p.m., CW1 received a text message from Domingo's USACE Phone, which asked if "\$40,000 is ok for you?" The message indicated that the reduction in the payment was due to the fact that "they deduct[ed] \$400,000."

25. On April 11, 2009, CW1 spoke to Domingo on Domingo's USACE Phone in a consensually monitored conversation. CW1 told Domingo that CW1's bank would not allow him to transfer \$40,000 at once.

CW: Sir, the bank, they say you can send only ten thousand, each time.

JD: How much?

CW: Ten. Every time, each time, ten thousand. I count, sir, all the money, for...is it okay for you?

JD: Oh, uhh, how many times can you send?

\* \* \*

CW: Yes. That... I four times I have to send it. Is it ok for you?

JD: (U/I). You going to send four times ten?

CW: Yes.

JD: Uh, yeah, can you send me an email, please?

CW: By email I explain it?

JD: Yeah, can you send me, uhh, to my home email and explain to me, okay?

CW: Okay, sir. (U/I). Thank you, because you let me get this park project. Thank you sir, I hope you be back to Iraq also to give me contracts. Thank you.

JD: Yeah.

CW: I won't forget you.

JD: Yeah, yeah. I will be back, okay? Thank you.

CW: Okay, thank you sir.

JD: Thank you.

26. CW1 received a text message from Domingo's USACE Phone on April 12, 2009 at 12:17 a.m. stating, "Sorry [CW1], im driving i can't hear you, can you send me in email? Ty [Thank you]." CW1 responded by sending a message to Domingo's email account, which said "the bank will not allowed me to 40000\$ to your account at one time, I must transfer 10000\$ each time." The next day at 6:12 a.m., CW1 received an email from Domingo's email account stating, "OK! Mr. [CW1], it is ok for me.... do it 4 times then. Thank you..."

27. When Domingo did not receive any payments, he continued to seek money from CW1. On April 13, 2009 at 1:06 p.m., CW1 received a text message from Domingo's

USACE Phone stating, "I got your email, hope you will send today." The next day, CW1 received a text message from Domingo's USACE Phone asking CW1, "did u send? Ty [Thank you]." Approximately an hour later, CW1 then received a text message from Domingo's USACE Phone asking "Can you send \$5000 to me by western union?" Three minutes later, CW1 received another text message from Domingo's USACE Phone directing CW1 to "Send it to US MILITARY EUROPE, JOSELITO DOMINGO. Bagram Airbase. Pls let me know if ok for you." CW1 received a text message another three minutes later from Domingo's USACE Phone stating, "Ok, if not, just send all in bank i send you. Ty." A separate text message that CW1 received from Domingo's USACE Phone asked CW1 "if u have time can u scan me the receipt from bank? I appreciate it. Ty."

28. CW1 responded in a message CW1 sent to Domingo's email account that he/she was not familiar with Western Union. CW1 also stated that he/she was having trouble obtaining projects in Kirkuk and that when Domingo returned to Iraq, CW1 would pay Domingo to award him projects:

sorry for today of your text mesege I not understand what is westren union , and whay I send 5000\$ . I thank you very much to let me get the parks project, but its difficult for me to sen to westren union I don't know what is that. and you know well I send you 10000\$ and I will send the remain each time as I told you.

Sir you told me in the text mesege that you come to corpo kirkuk and you know its difficult to get project now in kirkuk and I hope you help me to get contract with the corp of kirkul. and now you know I promisse to give you for parks project and I do it I will give you next year when you give me projects. (sic throughout)

29. In response, CW1 received an email from Domingo's email account on April 15, 2009, in which Domingo explained how to use Western Union to transfer money. The

email attached a scanned copy of a Western Union money transfer form. The top portion of the form was filled out in handwriting stating that a \$5,000 wire transfer should be delivered to Joselito Domingo at Bagram Airbase.

30. CW1 sent a follow-up message to Domingo's email account on April 16, 2009, asking whether Domingo wanted CW1 to "send 5000\$ to your ccount \$ in USA illinois that you send it ? and 5000\$ to western union ?" (sic) CW1 received a message that evening from Domingo's email account stating, "I thought you already sent \$10,000 to the account of my wife. I tried to verify is not there yet. Yes! I need cash here, then the other you will send to US." CW1 also received a text message that day from Domingo's USACE Phone stating, "I read your email. Yes, I need \$5000 and send it to western union. The other \$35000, send it to the account of my wife I send you. Send it 4 times since \$10000 is maximum."

31. On April 17, 2009, agents caused \$5,000 in government funds to be wire transferred from an account in Florida to the credit union account in Lombard, Illinois, held in Domingo's wife's name. On April 18, 2009, at 11:24 a.m., CW1 received a message from Domingo's email account stating, "I got \$5th in the account, did you sent \$5th in Western Union too? If yes, please send me the MTCN number and your full name so that I can collect it. Hope you will send all the rest, \$30th."

***Western Union***

32. On April 27, 2009, law enforcement caused \$4,770 to be sent to Domingo via Western Union. At the direction of law enforcement, CW1 sent a text message to Domingo's

USACE Phone the morning of April 28, 2009. According to CW1, he/she received a text message back from Domingo's USACE Phone stating, "Pls text me the MTCN your name and sender and the amount. I cant (sic) collect without this information." CW1 then sent a text message that provided Domingo with the requested information.

33. Agents from DCIS and Army CID conducted surveillance of Domingo and observed him entering the Western Union desk at Bagram Air Base. After filling out paperwork, Domingo left the Western Union area before returning a few minutes later.

34. Agents confronted Domingo when he left the Western Union desk a second time and searched him pursuant to written authorization by Military Magistrate Michael Gutheinz. Among other things, agents found Domingo to be in possession of: (1) approximately \$4,779 in United States currency; (2) Western Union records from April 28, 2009, showing that Domingo filled out forms allowing him to receive the \$4,770 transfer; and (3) Western Union records from April 28, 2009 showing that Domingo paid Western Union a total of \$212 to transfer \$200 to Joanne Angel in the Philippines.

#### ***Domingo Statement***

35. Agents from the FBI and DCIS provided Domingo with his *Miranda* rights. Domingo agreed to speak with agents after indicating both verbally and in writing that he understood these rights. Initially, Domingo stated that he received the Western Union transfer from a site engineer with the Army Corps of Engineers in Iraq named Hamid Darweesh. Domingo claimed that Darweesh was providing money to Domingo because he wanted Domingo to purchase a computer for Darweesh while Domingo was on military

leave.

36. Agents presented Domingo copies of the text messages that Domingo had sent to CW1's phone. Domingo admitted that he sent those text messages. After reviewing the text messages, Domingo stated that a contractor for the Kirkuk City Parks Contract, CW1, sent Domingo the funds Domingo received earlier in the day at Western Union. Domingo admitted that he did send CW1 Domingo's bank account information so that CW1 could transfer money to Domingo. Domingo said that CW1 told Domingo that CW1 wanted to send Domingo money to show CW1's appreciation for Domingo.

37. Domingo stated that the money was in exchange for Domingo providing CW1 with a recommendation to obtain the Kirkuk City Parks Contract and so that Domingo would write CW1 a letter of appreciation that would be included in the contract file. Domingo also stated that he filled out an evaluation of CW1's past performance on contracts, which helped CW1 compete for the Kirkuk City Parks Contract. Domingo stated that CW1 was awarded the Kirkuk City Parks Contract based in part on Domingo's recommendation. Domingo stated that he knew that the USACE does not allow employees to receive money for making contractor recommendations.

38. Domingo stated that he had an agreement with CW1 where CW1 would give Domingo more money if CW1 was awarded the Waste Transfer Station Contract. Domingo stated that he initially agreed to receive \$50,000 from CW1, but agreed to a \$40,000 payment once Domingo arrived in Afghanistan.

39. Domingo admitted that he had lied in his original statement to agents about the

source of the Western Union funds. Domingo stated that he knew it was a criminal act to receive money from CW1 in exchange for the recommendation he provided that helped CW1 obtain the contract. Domingo said that he knew what he was doing was illegal and that he expect that his conduct would land him in jail.

### ***Prior Deposits and Wire Transfers***

40. According to Western Union records, Domingo visited Western Union's office at the Kirkuk Air Force Base approximately thirty-nine times from June 21, 2007 through January 10, 2008. These records show that Domingo sent his wife more than \$40,000 through Western Union during these transactions. Including Western Union fees, Domingo paid more than \$45,000 cash for these transactions. In addition, Domingo transferred approximately \$15,000 in cash to various individuals in the Philippines from Western Union's office at the Kirkuk Air Force Base.

41. Along with the transfer from April 28, 2009, Western Union records show that Domingo had previously transferred approximately \$10,900 to Joanne Angel from on or about June 21, 2007 through January 10, 2008. Domingo stated that Joanne Angel was his girlfriend in the Philippines. In addition, Domingo identified Elisa Angel as Joanne Angel's mother, Sinforoso Domingo as his brother, and Clavel Escano as his sister. Western Union records show that Domingo sent approximately \$3,500 to the three individuals in the Philippines from June 21, 2007 through January 10, 2008.



42. According to a Currency Transaction Report (“CTR”), Domingo deposited \$16,000 cash into his Bank of America account in Bolingbrook, Illinois on September 29, 2008. Another CTR shows that on the same date, Domingo deposited \$13,000 into his JP Morgan Chase Bank account in Bolingbrook, Illinois. According to a third CTR, Domingo deposited \$11,000 into his Bank of America account on January 8, 2009. A database that tracks the travel of Department of Defense employees shows that Domingo was in the United States on these dates. Further, two of the CTRs indicate that Domingo provided his driver’s license to verify his identity. The driver’s license number that the banks listed on the CTRs is the same as the driver’s license number issued to Domingo by the State of Illinois.

FURTHER AFFIANT SAYETH NOT.

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PAUL DOBROVITS  
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on April 30, 2009.

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NAN R. NOLAN  
United States Magistrate Judge