

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

FILED

MAY 30 2008

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
REPLY

UNITED STATES OF AMERICA)
)
v.)
)
THERESA JEANNE BAKER,)
)
Defendant.)
_____)

INFORMATION

Case No. **CR-08-138MD**

Violations: 18 U.S.C. § 371
18 U.S.C. § 201
18 U.S.C. § 981(a)(1)(C)
28 U.S.C. § 2461(c)

THE UNITED STATES OF AMERICA, THROUGH ITS ATTORNEYS,
CHARGES THAT:

INTRODUCTION

1. From in or about April 2006 until in or about February 2007, the defendant, THERESA JEANNE BAKER ("defendant"), was a Major in the U.S. Army Reserves, deployed as a Contracting Officer to Camp Victory, Iraq. As a Contracting Officer, defendant was responsible for awarding and administering contracts for goods and services on behalf of the United States in support of Operation Iraqi Freedom. From in or about February 2007 until in or about August 2007 defendant was assigned to the Iraq Assistance Group at the Iraqi National Police Training Academy, Baghdad, Iraq. From in or about April 2006 until August 2007, defendant was a public official within the meaning of 18 U.S.C. § 201(a)(1). Prior to her deployment, defendant's last known residence was in the Western District of Oklahoma.

2. Raman International, Inc. d/b/a Raman Corporation ("Raman"), is a Texas

corporation, principally located in Cypress, Texas, at the same address where its chief executive and registered agent resides, with additional offices in Lebanon and Iraq. Raman is a military contractor, doing business with the United States at Camp Victory and elsewhere in Iraq.

3. Elie Samir Chidiac ("Chidiac"), a United States citizen, was the Iraq site manager for Raman from at least May 2006 until in or about May 2007.

4. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

5. Whenever in this Information reference is made to any act, deed or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control or transaction of its business or affairs.

COUNT ONE
Conspiracy
18 U.S.C. § 371

6. Paragraphs 1-5 are hereby re-alleged and incorporated by reference as though set forth in full in Count One. As to Count One, the "relevant period" is that period from in or about May 2006 until at least March 2007.

7. During the relevant period at Camp Victory, Iraq, the Western District of

Oklahoma, and elsewhere, the defendant herein,

THERESA JEANNE BAKER,

a public official, did knowingly, willfully, unlawfully, and interdependently combine, conspire, confederate, and agree with conspirators, known and unknown, to commit an offense against the United States, namely bribery, in violation of 18 U.S.C. § 201, by:

a. directly and indirectly, corruptly seeking, receiving, accepting and agreeing to receive and accept money and other consideration in return for being influenced in the performance of official acts and in return for being induced to do and omit to do acts in violation of her official duties; in particular, in return for money and a Harley Davidson motorcycle, defendant preferentially awarded contracts to and subverted appropriate contracting protocols in favor of Raman, at Camp Victory, Iraq.

OBJECT OF THE CONSPIRACY

8. The charged conspiracy consisted of a continuing agreement, concert of action and understanding, among defendant and her co-conspirators, the substantial terms of which were to obtain money falsely and fraudulently from the United States through the award of, and subsequent payment for, military contracts awarded to Raman.

MANNER AND MEANS OF THE CONSPIRACY

9. For the purpose of forming and carrying out the charged conspiracy, the defendant and her co-conspirators did those things that they combined, conspired, confederated, and agreed to do, including, among other things:

- a. defendant conveyed sensitive, contract-related information, including the government's pre-award price estimate, to Raman and otherwise assisted Raman in preparing its bids;
- b. defendant would and did use her official position as a Contracting Officer to award these contracts to Raman;
- c. upon performance of these contracts, Chidiac obtained payment on Raman's behalf from the United States, and in turn, Chidiac remitted a portion of the profit on these contracts back to defendant;
- d. defendant sent the money received from Raman via United States Postal Service to her mother in the Western District of Oklahoma; and
- e. an executive of Raman purchased for defendant a 2003 Harley Davidson Fixed Wing Anniversary Edition motorcycle, which s/he had delivered to defendant's mother's residence in the Western District of Oklahoma.

OVERT ACTS

10. In furtherance of the conspiracy and to effect its illegal objects and purposes, on or about the dates listed below, at Camp Victory, Iraq, the Western District of Oklahoma, and elsewhere, defendant and her co-conspirators committed and caused to be committed the following overt acts, among others:

- a. in or about May 2006, Chidiac approached defendant with \$40,000 in cash, a portion of which he gave her, stating that the money was her "share" of

Raman's profits on certain military contracts;

- b. between in or about May 2006 and in or about February 2007, as a Contracting Officer, defendant awarded numerous contracts to Raman;
- c. on multiple occasions, between in or about May 2006 and in or about February 2007, following payment for a contract, Chidiac, on behalf of Raman, remitted a portion of the profit on the contract back to defendant;
- d. in or about October 2006, an executive of Raman purchased for defendant a Harley Davidson motorcycle, which s/he had delivered on October 11, 2006 to defendant's mother's residence in the Western District of Oklahoma;
- e. on or about October 11, 2006, a second executive of Raman emailed defendant to confirm delivery of the Harley Davidson to defendant's mother's residence, writing: "The eagle has landed!!"; and
- f. on or about March 22, 2007, defendant sent an email to her mother in the Western District of Oklahoma accounting for approximately \$370,000.00 which she had mailed to her mother via the United States Postal Service, a portion of which was the money paid to her by Chidiac and Raman as her share of the profits on these contracts.

All in violation of Title 18, United States Code, Section 371, and pursuant to the extraterritorial venue provisions in Title 18, United States Code, Section 3238.

COUNT TWO
Bribery
18 U.S.C. 201

11. Paragraphs 1-5 and 7-10 are hereby re-alleged and incorporated by reference as though set forth in full in Count Two. As to Count Two, the "relevant period" is that period from at least as early as May 2006 until in or about February 2007.

12. Throughout the relevant period, at Camp Victory, Iraq, the Western District of Oklahoma, and elsewhere, the defendant herein,

THERESA JEANNE BAKER,

as a public official, knowingly and willfully, directly and indirectly, corruptly sought, received, and accepted items of value in return for being influenced in the performance of official acts and in return for being induced to do and omit to do acts in violation of her official duties; to wit, defendant knowingly and willfully, directly and indirectly, corruptly sought, received, and accepted money and a Harley Davidson motorcycle in return for being influenced in the award of contracts to Raman and in return for being induced to divulge sensitive contract-related information to Raman, in violation of her official duties as a Contracting Officer.

All in violation of Title 18, United States Code, Section 201, and pursuant to the extraterritorial venue provisions in Title 18, United States Code, Section 3238.

COUNT THREE
Conspiracy
18 U.S.C. § 371

13. Paragraphs 1-5 are hereby re-alleged and incorporated by reference as though set forth in full in Count Three. As to Count Three, the "relevant period" is that period from in or about November 2006 until at least March 2007.

14. During the relevant period at Camp Victory, Iraq, the Western District of Oklahoma, and elsewhere, the defendant herein,

THERESA JEANNE BAKER,

a public official, did knowingly, willfully, unlawfully, and interdependently combine, conspire, confederate, and agree with co-conspirators, known and unknown, to commit an offense against the United States, namely bribery in violation of 18 U.S.C. § 201, by:

a. directly and indirectly, corruptly seeking, receiving, accepting and agreeing to receive and accept money and other consideration in return for being influenced in the performance of official acts and in return for being influenced to commit and aid in committing and collude in and allow fraud on the United States; to wit, defendant knowingly and willfully, directly and indirectly, corruptly sought, received, and accepted money in return for being influenced to cancel contracts that were held by third party contractors; to re-award the contracts to Raman, designating Chidiac as Raman's putative agent; and to authorize Chidiac to receive cash payment on these contracts,

despite the fact that neither he nor Raman delivered any good or performed any service on these contracts.

OBJECT OF THE CONSPIRACY

15. The charged conspiracy consisted of a continuing agreement, concert of action and understanding, among defendant and her co-conspirators, the substantial terms of which were to obtain money falsely and fraudulently from the United States.

MANNER AND MEANS OF THE CONSPIRACY

16. For the purpose of forming and carrying out the charged conspiracy, the defendant and her co-conspirators did those things that they combined, conspired, confederated, and agreed to do, including, among other things:

- a. defendant canceled contracts that were already awarded to and often had been performed by third party contractors;
- b. defendant re-awarded those contracts to Raman (unbeknownst to it) and fraudulently verified that Raman had performed the requisite services or delivered the requisite goods, and thus, that those contracts had been satisfactorily completed;
- c. defendant and her co-conspirators forged various contracting documents and fraudulently modified the military contracting database in order to create the appearance of propriety with respect to these canceled and re-awarded contracts;

d. defendant authorized Chidiac to receive cash payment on those contracts, which he did, despite that neither he (nor Raman) performed any work, provided any service, or delivered any good with respect to these contracts;

e. upon receipt of cash payment from the United States, typically in U.S. one hundred dollar bills, Chidiac remitted a portion of the money back to defendant;

f. defendant sent the money received from Chidiac via United States Postal Service to her mother in the Western District of Oklahoma;

OVERT ACTS

17. In furtherance of the conspiracy and to effect its illegal objects and purposes, on or about the dates listed below, at Camp Victory, Iraq, the Western District of Oklahoma, and elsewhere, defendant and her co-conspirators committed and caused to be committed the following overt acts, among others:

a. in or about February 2007, defendant canceled contract W91GEU-06-P-1822 for communications equipment, re-awarded it to Raman, and authorized Chidiac to receive payment in cash on this contract in the amount of \$398,918.00;

b. in or about February 2007, defendant forged a government receiving report – Form DD-250 – fraudulently verifying the receipt of the goods on contract W91GEU-06-P-1822 from Raman, although Raman had provided no service and delivered no good required by contract W91GEU-06-P-1822;

c. on or about February 6, 2007, Chidiac received cash payment on

contract W91GEU-06-P-1822 in U.S. one hundred dollar bills;

d. on or about February 6, 2007, defendant met with Chidiac at Raman's compound, adjacent to Camp Victory, where Chidiac had the \$398,918.00 in cash stacked on a table, half of which he gave to defendant;

e. from in or about November 2006 until in or about February 2007, defendant similarly canceled and re-awarded contract W91GEU-06-P-1036 for networking equipment, totaling worth \$109,042.83; contracts W91GEU-06-P-1630 and W91GEU-06-P-1685 for communications and networking equipment worth \$180,000.00; and contracts W91GEU-06-P-1361, W91GEU-06-P-1412, W91GEU-06-P-1446, and W91GEU-06-P-1535 for communications equipment, worth \$45,393.20, and authorized Chidiac to receive cash payment on each of these contracts;

f. from in or about November 2006 until in or about February 2007, Chidiac received cash payment on contracts W91GEU-06-P-1036, W91GEU-06-P-1630, W91GEU-06-P-1685, W91GEU-06-P-1361, W91GEU-06-P-1412, W91GEU-06-P-1446, and W91GEU-06-P-1535, worth cumulatively approximately \$334,436.03, although neither Chidiac nor Raman performed any service or delivered any good required by these contracts; and

g. on or about March 22, 2007, defendant sent an email to her mother in the Western District of Oklahoma accounting for approximately \$370,000.00 which she had mailed to her mother via the United States Postal Service, a portion of which was her share of the money Chidiac was fraudulently paid on these contracts.

All in violation of Title 18, United States Code, Section 371, and pursuant to the extraterritorial venue provisions in Title 18, United States Code, Section 3238.

COUNT FOUR
Bribery
18 U.S.C. § 201

18. Paragraphs 1-5 and 14-17 are hereby re-alleged and incorporated by reference as though set forth in full in Count Four. As to Count Four, the relevant period is that period from at least as early as November 2006 until in or about February 2007.

19. Throughout the relevant period, at Camp Victory, Iraq and elsewhere, the defendant herein,

THERESA JEANNE BAKER,

as a public official, knowingly and willfully, directly and indirectly, corruptly sought, received, and accepted items of value in return for being influenced in the performance of official acts and in return for being influenced to commit and aid in committing and collude in and allow fraud on the United States; to wit, defendant knowingly and willfully, directly and indirectly, corruptly sought, received, and accepted money in return for being influenced to cancel contracts that were held by third party contractors; to re-award the contracts to Raman, designating Chidiac as Raman's putative agent; and to authorize Chidiac's receipt of cash payment on these contracts, despite the fact that neither he nor Raman delivered any good or performed any service on these contracts.

All in violation of Title 18, United States Code, Section 201, and pursuant to the extraterritorial venue provisions in Title 18, United States Code, Section 3238.

20. The allegations contained in Counts One-Four of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c). Upon conviction of the offenses in violation of 18 U.S.C. § 371, set forth in Counts One and Three of this Information, and upon conviction of the offenses in violation of 18 U.S.C. § 201, set forth in Counts Two and Four of this Information, defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense, including:

(a) Two hundred forty-five thousand, nine-hundred dollars (\$245,900) in United States currency seized from defendant's mother's residence on August 3, 2007;

(b) Forty-eight thousand, five-hundred ninety-four dollars (\$48,594) in United States currency seized from defendant's person, residence and workspace on August 3, 2007;

(c) One 2003 Harley Davidson Fixed Wing Anniversary Edition, VIN #HD1GEV4X3K319700, Oklahoma License Plate # OK 4B6023;

(d) One 1998 Harley Davidson FLHR, VIN # 1HD1FRR4410Y612871, Oklahoma License Plate # OK 4A5176;

(e) One Dell Inspiron Laptop Computer, Model No. PP20L, seized from Building 4A, FOB Prosperity, International Zone, Baghdad, Iraq, Service Tag 6QDKX2J;

(f) One Dell Inspiron Laptop Computer, Model No. PP20L, voluntarily surrendered on August 8, 2007, Service Tag 25F9Z2J; and

(g) Six hundred dollars (\$600) in U.S. currency retrieved from defendant's mother's residence on February 13, 2008.

21. If any of the property described above, as a result of any act or omission of the defendant: (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).



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