

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA

§

vs.

§

Criminal No. M-06-1082

§

Filed: 12/06/2006

RAFAEL GONGORA ADAME

§

INDICTMENT

THE GRAND JURY CHARGES:

**Counts One through Nine
(Wire Fraud 18 U.S.C. §1343)**

At all times relevant to this indictment:

1. Rafael Gongora Adame, defendant herein, is an individual who resides in the Southern District of Texas.
2. The defendant owned and operated ATE Tel Solutions, Inc. d/b/a ATE Telecom Solutions, Inc. ("ATE Tel") in McAllen, Texas. ATE Tel, incorporated in Texas, was a vendor that provided computer-related goods and services to various school districts including Weslaco Independent School District ("Weslaco I.S.D.").
3. In 1996, Congress passed the Telecommunications Act, which authorized the Federal Communications Commission ("FCC") to collect money from telephone users and spend that money on a program, titled E-Rate, to foster connectivity between schools, libraries, and rural health facilities and the Internet. The FCC utilizes a nonprofit corporation, Universal Service Administrative Company ("USAC"), to administer the program.
4. USAC is located in Washington, D.C. USAC's School and Library Division is located in Whippany, New Jersey. As part of the E-Rate program, USAC provides money to eligible schools and libraries to pay a substantial portion of the cost of telecommunication services, Internet access, internal connections, and basic maintenance.

5. Weslaco I.S.D. is located in Weslaco, Texas. Weslaco, a medium size school district in south Texas, contracted with ATE Tel for various computer hardware and services for several of its schools and the district office for the purpose of connecting to the Internet through the E-Rate program administered by USAC.

THE OFFENSE

6. From in or about December 2001 and continuing to in or about May 2003, in the Southern District of Texas, and within the jurisdiction of the Court, defendant

RAFAEL GONGORA ADAME

having devised and intending to devise a scheme and artifice to defraud and to obtain money and property from USAC, by means of false and fraudulent pretenses, representations, and promises, well knowing at the time that said pretenses, representations, and promises would be and were false and fraudulent when made, and for the purpose of executing the scheme and artifice to defraud and for obtaining money and property, did knowingly cause to be transmitted by means of wire communication in interstate commerce, that is from inside the State of Texas to outside the State of Texas, certain writings, signs, signals and sounds in violation of Title 18, United States Code, Section 1343.

THE METHOD AND MEANS OF THE SCHEME AND ARTIFICE

7. It was part of the scheme and artifice to defraud, that defendant would produce or cause to be produced certain invoices regarding Weslaco I.S.D. that were not legitimate. The defendant would enter false invoicing data, such as false customer bill dates and false amounts for reimbursement on invoices he submitted to the USAC website via the Internet, which were transmitted by means of wire communications in interstate commerce to USAC's School and Library Division in Whippany, New Jersey. The defendant also transmitted to USAC by facsimile, an invoice bearing false amounts he purportedly charged Weslaco I.S.D. in response to

questions about the amount he requested for reimbursement from USAC. USAC relied on the false information contained in the invoices submitted by the defendant to USAC to transmit wire transfers for the amount indicated into defendant's bank account at McAllen National Bank. By making false representations on invoices filed with USAC, defendant received payments in excess of what was authorized and for work that was not actually performed.

THE EXECUTION OF THE SCHEME AND ARTIFICE

8. In order to execute the scheme and artifice, the defendant committed the following acts, among others, in the Southern District of Texas and elsewhere:

9. From in or about December 2001 to May 2003, the defendant, RAFAEL GONGORA ADAME, did knowingly cause to be transmitted to USAC by means of wire communication in interstate commerce, that is from McAllen, Texas, inside the State of Texas to outside the State of Texas, that is Whippany, New Jersey, certain writings, signs, signals and sounds containing certain information including as set forth hereafter:

Count	Transmission Date(s)	False Customer Bill Date	Invoice Funding Request Number	Amount Requested
1	12-17-01	12-1-01	598221	\$177,643.91
2	1-29-02	1-1-02	598117	\$358,529.95
3	6-21-02	6-1-02	597721	\$572,762.72
4	6-26-02	6-21-02	597721	\$572,762.72
5	12-16-02	12-16-02	806245	\$21,272.60
6	2-12-03	2-1-03	806245	\$2,855.60
7	3-20-03	3-18-03	806245	\$20,857.50
8	4-11-03	4-10-03	806245	\$19,715.60
9	5-6-03	5-2-03	806245	\$10,099.50

As a result of these writings, signs, signals, and sounds transmitted by means of wire

communication in interstate commerce, defendant fraudulently obtained from USAC amounts in excess of amounts authorized as follows:

Count	Transmission Date(s)	Invoice Funding Request Number	Amount of Loss
1	12-17-01	598221	\$25,504.94
2	1-29-02	598117	\$9,254.17
3	6-21-02	597721	\$53,428.78
4	6-26-02	597721	0
5	12-16-02	806245	\$2,127.26
6	2-12-03	806245	\$285.56
7	3-20-03	806245	\$20,857.50
8	4-11-03	806245	\$19,715.60
9	5-6-03	806245	\$10,099.50

In violation of Title 18, United States Code, Section 1343.

A TRUE BILL

_____/S/_____
FOREPERSON

_____/S/_____
THOMAS O. BARNETT
Assistant Attorney General

_____/S/_____
DUNCAN S. CURRIE
Chief, Dallas Field Office
Antitrust Division

_____/S/_____
SCOTT D. HAMMOND
Deputy Assistant Attorney General

_____/S/_____
JUAN G. RODRIGUEZ
MITCHELL R. CHITWOOD
KAREN J. SHARP
A. JENNIFER BRAY
Attorneys, Antitrust Division
U.S. Department of Justice
Dallas Field Office
1700 Pacific Ave., Suite 3000
Dallas, Texas 75201
Tel.: (214) 661-8600

MARC SIEGEL
Director of Criminal Enforcement
Antitrust Division
U.S. Department of Justice