IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Criminal No. 305-cr-00191-HL
	)	
v.	)	Filed: 06/01/2005
	)	
JORGE L. MATOS BURGOS,	)	
	)	
Defendant.	)	

INDICTMENT

THE GRAND JURY CHARGES THAT:

CONSPIRACY
(18 U.S.C. § 371)

1. JORGE L. MATOS BURGOS (hereinafter "Defendant") is hereby made a defendant on the charge stated below.

I. DEFENDANT AND CO-CONSPIRATORS

2. During the period covered by this Indictment, the defendant was employed as a technical services supervisor for Tricon Restaurants International ("Tricon"), a corporation organized and existing under the laws of Puerto Rico with its principal place of business in Guaynabo, Puerto Rico. Tricon was the owner and operator of fast food restaurants. In his position at Tricon, the defendant was

responsible for soliciting bids from subcontractors for work to be performed in connection with Tricon's construction and maintenance of restaurants. In his capacity, the defendant was also responsible for selecting the subcontractor who would be awarded the contract.

3. From at least as early as October 17, 2000 until February 6, 2004, Albith Colón ("Colón"), who lived in Bayamon, Puerto Rico, was president of Gate Engineering Corporation ("Gate"). Gate was a corporation organized and existing under the laws of Puerto Rico with its principal place of business in Bayamon, Puerto Rico, and was in the business of providing electrical contracting services.

II. DESCRIPTION OF THE OFFENSE

4. Beginning at least as early as October 17, 2000, and continuing thereafter until February 6, 2004, the exact dates being unknown to the United States, in the District of Puerto Rico and elsewhere, the defendant, Colón, Gate, and another co-conspirator did unlawfully, willfully, and knowingly conspire, combine, confederate, and agree in violation of Title 18, United States Code, Section 371, to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1341 and 1346.

5. It was a part and object of said conspiracy that the defendant, Colón, Gate, and another co-conspirator, having devised and intending to devise a scheme and artifice to defraud Tricon and deprive Tricon of its right to the honest services of the defendant, executed the scheme and artifice by and through the use of the United States mail.

III. THE MANNER AND MEANS BY WHICH THE CONSPIRACY WAS CARRIED OUT

6. Tricon relied on the defendant to conduct his work on the company's behalf in an honest fashion so as to benefit his employer, including his work in soliciting bids and awarding electrical contracts for his company. However, as a result of the scheme and artifice to defraud, the defendant received kickbacks from Colón and Gate in return for the defendant awarding electrical contracts to Gate on behalf of Tricon. These kickbacks were concealed from Tricon.

7. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendant, Colón, Gate, and another co-conspirator did those things that they combined and conspired to do, including:

(a) the defendant, Colón, and Gate agreeing that Colón and Gate would make kickbacks payments, totaling $31,000, to the defendant;

(b) the defendant, on behalf of Tricon, awarding over $1 million worth of electrical contracts to Gate in return for the kickbacks; and

(c) the defendant, Colón, and Gate failing to disclose to Tricon the fact that the defendant was taking kickbacks from Colón and Gate.

IV. OVERT ACTS

8. In furtherance of the conspiracy and to effect the object of the conspiracy, overt acts were committed in the District of Puerto Rico.

9. On or about the dates set forth below, defendant, Colón, Gate, and another co-conspirator, for the purpose of executing the scheme and artifice to defraud, did knowingly cause checks made payable to Gate, drawn against the Banco Popular de Puerto Rico, on the account of Tricon, to be delivered within the District of Puerto Rico, according to the direction thereon by the United States Postal Service as follows:

Date	Payee and Address	Check Number	Check Amount
09/14/01	Gate Engineering Technical Services D44 Marginal St. EXT Forest Hill Bayamon PR 00959	0119339	$21,116.43
02/08/02	Gate Engineering Technical Services D44 Marginal St. EXT Forest Hill Bayamon PR 00959	0124793	$ 9,168.61
06/14/02	Gate Engineering Technical Services D44 Marginal St. EXT Forest Hill Bayamon PR 00959	129503	$16,139.33
01/10/03	Gate Engineering Technical Services D44 Marginal St. EXT Forest Hill Bayamon PR 00959	135824	$10,758.39
02/10/03	Gate Engineering Technical Services D44 Marginal St. EXT Forest Hill Bayamon PR 00959	136786	$ 8,135.65

V. JURISDICTION AND VENUE

10. The conspiracy charged in this Indictment was formed and carried out in the District of Puerto Rico within the five years preceding the filing of this Indictment.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 371.

Dated this 1st day June, 2005.

A TRUE BILL:

_____
Foreperson

/S/
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Assistant Attorney General

/S/
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/S/
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