

**FILED**

January 27, 2025

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: Julie Golden  
DEPUTY

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA**  
**Plaintiff**

**v**

**DAVID CRUZ**

**Defendant**

CRIMINAL NO. A-25-cr-020 RP

**INFORMATION**

[Ct 1: 18 U.S.C. § 1519 Destruction,  
alteration, or falsification of records in  
federal investigations]

**THE UNITED STATES CHARGES:**

**COUNT ONE**

**Destruction, alteration, or falsification of records in federal investigations  
[18 U.S.C. § 1519]**

1. The following person is hereby made a Defendant on the charge contained in this  
Information:

**DAVID CRUZ**

2. Beginning at least as early as in or about June 2021, and continuing until at least  
as late as in or about August 2021, the exact dates being unknown to the United States, in the  
Western District of Texas and elsewhere, Defendant knowingly destroyed, concealed, and  
covered up records—specifically, text messages—with the intent to impede the investigation of a  
matter within the jurisdiction of an agency of the United States.

3. The investigation was a federal grand jury investigation in the Western District of  
Texas, Austin Division concerning bid rigging and price fixing for subcontract work on

operation and maintenance support services administered and approved by the United States Army Medical Command and the United States Army Corps of Engineers.

DESCRIPTION OF THE OFFENSE

4. For purposes of this Information, the “relevant period” is that period beginning at least as early as in or about November 2018 and continuing until at least as late as in or about August 2021.

5. During the relevant period, Defendant was an employee of J&J Maintenance, Inc., a Texas-based corporation with its headquarters in Austin that was engaged in the sale of operation and maintenance support services to the United States government, including the sale of such services to United States military hospitals in the Republic of Korea (“Korea”). While working for J&J Maintenance, Defendant resided in Korea.

6. J&J Maintenance was the majority owner of a Korea-based corporation called J&J KOREA, INC.

7. J&J KOREA’s other owner was its director, HYUK JIN KWON. J&J KOREA also employed HYUN KI SHIN.

8. DESCA CO. LTD was a Korea-based corporation. HYE YEON JO was a manager of DESCA.

9. During the relevant period, J&J Maintenance was the prime contractor to the United States Army Corps of Engineers (“USACE”) on an indefinite delivery contract (the “USACE Contract”) to address operation and maintenance needs for U.S. Department of Defense medical facilities, including medical facilities in Korea. The USACE Contract was administered by the USACE and the United States Army Medical Command (“MEDCOM”).

10. The USACE Contract required a competitive process for awarding subcontract work whereby J&J Maintenance had to secure two or more quotes for subcontract work and submit those quotes to USACE and MEDCOM for approval.

11. Beginning with its creation in or about November 2018, J&J KOREA bid for and performed subcontract work for J&J Maintenance at various U.S. military installations in Korea under the USACE Contract. KWON and SHIN were involved in the bidding of J&J KOREA's services to J&J Maintenance under the USACE Contract.

12. DESCA also bid for and performed subcontract work for J&J Maintenance at various U.S. military installations in Korea under the USACE Contract. JO was involved in the bidding of DESCA's services to J&J Maintenance under the USACE Contract.

13. As an employee of J&J Maintenance, Defendant was responsible for soliciting quotes for subcontract work from Korean companies, including J&J KOREA and DESCA, selecting a recommended subcontractor, and submitting the recommended subcontractor to the government for approval.

14. Through the process of soliciting subcontract work for J&J Maintenance under the USACE Contract, Defendant met KWON, SHIN, and JO.

15. J&J KOREA was frequently the only company that bid for subcontract work under the USACE Contract.

16. J&J Maintenance EMPLOYEE 1 was Defendant's supervisor at J&J Maintenance. In 2018, EMPLOYEE 1 gave Defendant an approved list of subcontractors on the USACE Contract. EMPLOYEE 1 instructed Defendant that, if Defendant needed additional bids to satisfy the bidding requirement under the USACE Contract, Defendant should contact

subcontractors on the list, including DESCA, to request additional bids. Defendant complied with EMPLOYEE 1's instruction.

17. In or about early 2019, however, KWON instructed Defendant that when he needed additional quotes from DESCA, he should contact KWON and SHIN instead of contacting DESCA directly, so that KWON and SHIN could solicit additional quotes from DESCA. Defendant complied with KWON's instruction.

18. Thereafter, when Defendant needed additional quotes for subcontract work under the USACE Contract, he asked KWON and SHIN for assistance in getting those quotes from DESCA. Defendant typically made these requests by sending text messages to KWON and SHIN using messaging applications on his cellular phone.

19. When Defendant asked KWON and SHIN to obtain additional quotes from DESCA for subcontract work on the USACE Contract, KWON and SHIN communicated with JO to have DESCA submit intentionally higher-priced quotes than J&J KOREA for subcontract work on the USACE Contract, thereby ensuring that J&J KOREA won the majority of subcontract work on the USACE Contract during the relevant period. Defendant was not included on the communications between KWON, SHIN, and JO, and was not aware that KWON, SHIN, and JO were coordinating quotes for subcontract work on the USACE Contract.

20. On or about June 3, 2021, J&J Maintenance received a grand jury subpoena for records. The subpoena was issued by a grand jury sitting in the Western District of Texas, Austin Division.

21. On or about that same day, J&J Maintenance sent an email to Defendant and certain other employees attaching a litigation hold notice ("Hold Notice"). Among other requirements, the Hold Notice requested "digital images of telephones . . . or other electronic

devices” for Defendant. The Hold Notice further instructed Defendant not to destroy or delete communications with J&J KOREA, DESCA, or other companies who performed subcontract work for J&J Maintenance under the USACE Contract.

22. In or about July 2021, Defendant entered one of J&J Maintenance’s offices on a U.S. military installation in Korea where he encountered KWON and SHIN. KWON advised Defendant that KWON had deleted his text messages with Defendant and asked whether Defendant had done the same. Defendant replied that he had deleted the messages (even though he had not done so yet). KWON replied that Defendant had nothing to worry about.


23. Shortly after his conversation with KWON, Defendant deleted from his cellular phone his text messages with KWON and SHIN in which he asked them to get additional bids for subcontract work on the USACE Contract.

24. On or about August 2 and 3, 2021, attorneys from J&J Maintenance interviewed Defendant in Austin, Texas. During the interview, Defendant was informed that the United States government was investigating quotes for subcontract work on the USACE Contract in Korea. During the interview, Defendant falsely stated that he had never asked J&J KOREA to solicit additional bids from DESCA. Defendant did not advise the attorneys that he had deleted his text messages with KWON and SHIN.

25. As a result of the conduct described above, Defendant knowingly destroyed, concealed, and covered up records with the intent to impede the investigation of a matter within the jurisdiction of an agency of the United States.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1519.

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