

ORIGINAL FILED
MAR 27 2009
WILLIAM T. WALSH, CLERK

UNITED STATES DISTRICT COURT
for the
District of New Jersey

United States of America)
v.)
THUAN NGUYEN)
_____)
Defendant

Case No. 09-1034 (AMD)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 5/06-9/08 in the county of Atlantic in the _____ District of New Jersey, the defendant violated 18 U. S. C. § 1952(a)(3)*, an offense described as follows:

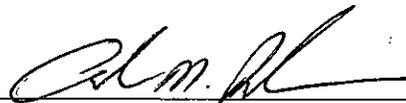
* and 18 U.S.C. Section 2.

See Attachment A.

This criminal complaint is based on these facts:

See Attachment B.

Continued on the attached sheet.



Complainant's signature

Andrew Rixham, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/27/09



Judge's signature

City and state: Camden, New Jersey

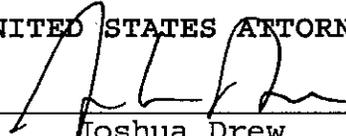
Hon. Ann Marie Donio, U.S.M.J.

Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: _____



Joshua Drew

Assistant U.S. Attorney

Date: 3/27/09

ATTACHMENT A

From in or about May 2006 to in or about September 2008, in Atlantic County, in the District of New Jersey and elsewhere, defendant

THUAN NGUYEN

did knowingly and willfully aid, abet, counsel, command and induce, and cause, Joseph Rivera to travel in interstate commerce, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, that is, bribery, contrary to N.J.S.A. § 2C:27-2, and thereafter to perform an act to promote and facilitate the unlawful activity.

In violation of Title 18, United States Code, Section 1952(a)(3), and Title 18, United States Code, Section 2.

ATTACHMENT B

I, Andrew Rixham (the "affiant"), state that I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have personally participated in this investigation and am aware of the facts contained herein based upon my own investigation, as well as information provided to me by other law enforcement officers. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support issuance of a complaint, I have not included herein the details of every aspect of this investigation. In referring to communications between persons in this affidavit, I have excerpted or summarized such communications in substance and in part.

1. At all times relevant to this complaint,
 - a. Defendant THUAN NGUYEN, a resident of Philadelphia, Pennsylvania, operated N&T Staffing, Inc. ("N&T"), and was involved in the operation of JNT General Services, Inc. ("JNT"), and K&B Staffing, Inc. ("K&B"). N&T, JNT and K&B were temporary labor firms that provided temporary employees to outside businesses, including in New Jersey, for a flat hourly rate. Typically, N&T, JNT and K&B's contracts with these outside businesses called for them to assume the responsibility to withhold and pay state and federal payroll taxes, and comply with wage, hour and worker's compensation insurance coverage laws and regulations. who worked for several temporary labor firms.
 - b. Temporary labor firms and the businesses that retained them were subject to inspection and oversight by employees of the New Jersey Department of Labor and Workforce Development ("NJLW") Wage and Hour Division, which enforced state labor laws that addressed conditions of employment and the method and manner of payment of wages.
 - c. Joseph Rivera was a resident of Sicklerville, New Jersey, a Senior Investigator in the NJLW Wage and Hour Division with an office in Hammonton, New Jersey, and a public servant of the State of New Jersey.
2. On or about November 12, 2008, defendant NGUYEN met with Rivera at NGUYEN's residence in Philadelphia, Pennsylvania, after Rivera traveled to Philadelphia from New Jersey. At this meeting, which was recorded, defendant NGUYEN paid Rivera \$12,120 in cash on behalf of N&T, JNT and K&B.

3. On or about December 5, 2008, defendant NGUYEN met with Rivera at NGUYEN's residence in Philadelphia, Pennsylvania, after Rivera traveled to Philadelphia from New Jersey. At this meeting, which was recorded, defendant NGUYEN paid Rivera \$3,553 in cash on behalf of JNT and K&B.
4. On or about March 6, 2009, defendant NGUYEN placed a cellular telephone call to Rivera. In their conversation, which was recorded, defendant NGUYEN told Rivera that another NJDOL employee was "checking our company," and that NGUYEN's business associate had complained to NGUYEN that "we pay, we pay you [Rivera] and then your, and then your office they still check."
5. On or about October 29, 2008, Rivera was interviewed by Special Agents of the FBI and IRS and stated, in substance and in part, that:
 - a. since 2002 he had been accepting corrupt payments from various temporary labor firm operators, including from defendant NGUYEN, to influence Rivera's official actions as an employee of the NJDOL;
 - b. taking cash payments from temporary labor firms was not something Rivera was supposed to do, according to state policies;
 - c. defendant NGUYEN's cash payments to Rivera were based on how much work was being done by NGUYEN's employees, and NGUYEN was paying Rivera to keep Rivera from auditing N&T, JNT and K&B;
 - d. Rivera generally traveled once a month from New Jersey to NGUYEN's Philadelphia residence to collect cash payments from NGUYEN.
6. A ledger recovered in a search of Rivera's residence and identified by Rivera as a record of corrupt payments that he received shows that from May 2006 through September 2008, defendant NGUYEN made cash payments to Rivera totaling approximately \$130,100, including on or about the following dates in 2008: January 31, February 29, March 31, April 30, May 31, June 30, July 31, August 31, and September 30.