

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	No.
)	
v.)	Violations: Title 18, United States
)	Code, Sections 1343, 1346, and
ROBERT CZERNEK,)	1957(a)
DEBRA FAZIO, and)	
MARIO GIANNINI)	

COUNT ONE

The SPECIAL JANUARY 2019 GRAND JURY charges:

1. At times material to this indictment:

a. Bloomingdale Township was a unit of local government located in the Northern District of Illinois. The Township was governed by a Township Supervisor along with a Board of Trustees.

b. The Bloomingdale Township Road District, also referred to as the Highway Department, was led by a Highway Commissioner who was in charge of all roads and bridges in the Township.

c. Defendant ROBERT CZERNEK was an employee of Bloomingdale Township and was appointed Acting Commissioner of the Bloomingdale Township Road District in September 2012, and was publicly-elected to serve four-year terms as Highway Commissioner in 2013 and again in 2017. As an employee and Highway Commissioner, CZERNEK owed a duty of honest services to Bloomingdale Township and the people of Bloomingdale Township in the performance of his official duties.

d. As an elected official, CZERNEK was required by law to annually file a Statement of Economic Interests with the DuPage County Clerk, which would disclose, among other things, certain income received during the preceding calendar year, as well as the nature and source of such income. An elected official that filed a Statement of Economic Interests was required to verify that the information in the filing was true, correct, and complete.

e. CZERNEK's official duties included reviewing invoices submitted by contractors and vendors relating to the work and services furnished to the Highway Department and determining whether to recommend the approval of such invoices for payment to the Township Supervisor and the Board of Trustees. The work and services provided by contractors and vendors to the Highway Department included supplying quantities of stone for use by the Highway Department ("stone deliveries"), performing dump leveling services at an approved dump site owned by the Township ("dump leveling"), and installing storm sewers. Under Illinois law, CZERNEK was authorized to recommend the approval of invoices in amounts of less than \$20,000 without requiring competitive bidding. Once an invoice had been approved for payment by CZERNEK, the Town Supervisor, and the Township Board of Trustees, the Township issued a check to the vendor in payment of the invoice.

f. Bulldog Earth Movers, Inc. ("BEM") was an excavation company based in Bloomingdale, Illinois.

g. Defendant DEBRA FAZIO was the owner and president of BEM and defendant MARIO GIANNINI worked for BEM.

h. BEM maintained bank accounts at West Suburban Bank in Bloomingdale and J.P. Morgan Chase Bank in Bloomingdale (“BEM Bank Accounts 1 and 2”) over which FAZIO had sole signature authority.

i. Tri-State Express, Inc. and Tri-State Express, Ltd. were corporations formed by CZERNEK, each of which ceased functioning as a business before 2012. Tri-State Express, Ltd. maintained a bank account at BMO Harris Bank in Bloomingdale (the “Tri-State Bank Account”) over which CZERNEK had sole signature authority.

2. Beginning in or around May 2012 and continuing until on or about January 21, 2020, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, knowingly devised, intended to devise, and participated in a scheme to defraud Bloomingdale Township of money and property, by means of materially false and fraudulent pretenses, representations, and promises, and by the concealment of material facts, and of the intangible right to the honest services of defendant ROBERT CZERNEK through kickbacks, as further described below.

3. It was part of the scheme that CZERNEK agreed to accept and receive and accepted and received secret kickbacks from FAZIO and GIANNINI in exchange for using his official position as Highway Commissioner to approve and cause the

approval for payment of stone delivery, dump leveling, and storm sewer invoices submitted by BEM to Bloomingdale Township.

4. It was further part of the scheme that, in exchange for kickbacks from FAZIO and GIANNINI, CZERNEK approved and caused the approval for payment of storm sewer invoices and certain dump leveling invoices, knowing that the work and services reflected on the invoices at times had not been performed by BEM.

5. It was further part of the scheme that CZERNEK at times hand-wrote notes containing false information that he wanted GIANNINI and FAZIO to include on the invoices submitted by BEM to Bloomingdale Township. The notes included the description of storm sewer work purportedly performed by BEM, and the number of hours and the dates on which BEM purportedly performed certain dump leveling work, when CZERNEK knew this work had not been performed by BEM. Some of the notes included details about the amount of money which CZERNEK wanted to be paid in kickbacks from GIANNINI and FAZIO. CZERNEK provided the handwritten notes to GIANNINI, at times by secreting the notes at secluded locations at the Bloomingdale Township Highway Department building or construction yard where they were to be picked up by GIANNINI.

6. It was further part of the scheme that FAZIO and GIANNINI used the notes prepared and provided by CZERNEK to prepare false invoices, on behalf of BEM, for submission to Bloomingdale Township, which invoices at times repeated virtually verbatim the wording used by CZERNEK in the notes.

7. It was further part of the scheme that FAZIO and GIANNINI submitted and caused to be submitted to Bloomingdale Township stone delivery, dump leveling, and storm sewer invoices for which FAZIO and GIANNINI had agreed to pay kickbacks to CZERNEK in exchange for CZERNEK using his official position to approve and cause the approval for payment of the invoices. FAZIO and GIANNINI falsely and fraudulently represented in some of the invoices that BEM had performed storm sewer work and certain dump leveling work, knowing that the work had not been performed by BEM.

8. It was further part of the scheme that CZERNEK signed and approved and caused the approval of the invoices submitted by BEM and caused the Bloomingdale Township Supervisor and Bloomingdale Township Board to issue checks to BEM in payment of the invoices. CZERNEK delivered and caused the checks to be delivered to FAZIO and GIANNINI.

9. It was further part of the scheme that FAZIO and GIANNINI deposited and caused the Bloomingdale Township checks to be deposited into BEM Bank Accounts 1 and 2, and thereafter kicked back and caused to be kicked back a portion of the proceeds of the checks to CZERNEK in exchange for CZERNEK's use of his official position to sign and approve and cause the approval for payment of the invoices submitted by BEM to the Bloomindale Township.

10. It was further part of the scheme that FAZIO and GIANNINI paid and caused to be paid kickbacks to CZERNEK in the form of checks signed by FAZIO, drawn on BEM Bank Accounts 1 or 2, and made payable to Tri-State Express in order

to conceal and disguise the existence, source, and purpose of the kickbacks. The amount of each kickback was typically \$5.00 or \$6.00 for each ton of stone reflected on the stone delivery invoices, 50% of the total invoice amount for the storm sewer invoices, and varied amounts for the dump leveling invoices. In total, FAZIO and GIANNINI kicked back and caused to be kicked back over \$280,000 to CZERNEK.

11. It was further part of the scheme that CZERNEK deposited and caused the kickback checks to be deposited into the Tri-State Bank Account and converted the proceeds of the checks for his own use and benefit.

12. It was further part of the scheme that, by the above fraudulent means, FAZIO and GIANNINI caused Bloomingdale Township to issue checks totaling over \$700,000 to BEM.

13. It was further part of the scheme that CZERNEK falsely omitted the income that he received from BEM on the Statement of Economic Interests which he filed between in or around 2012 and in or around 2020 in order to conceal and disguise the existence, source, and purpose of the kickbacks which he received from BEM.

14. It was further part of the scheme that CZERNEK failed to report the income derived from BEM on his federal income tax returns which he filed for tax years 2012 through 2019, under penalties of perjury, in order to conceal and disguise the existence, source, and purpose of the kickbacks which he received from BEM.

15. It was further part of the scheme that CZERNEK, FAZIO and GIANNINI concealed, misrepresented, and hid and caused to be concealed,

misrepresented, and hidden, the existence and purpose of the scheme and the acts done in furtherance of the scheme.

16. On or about November 27, 2015, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check, numbered 2096, in the amount of approximately \$1,180.00 from BEM to CZERNEK, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT TWO

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about October 3, 2016, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check, numbered 2316, in the amount of approximately \$5,877.05 from BEM to CZERNEK, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT THREE

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about June 30, 2017, at Bloomingdale, in the Northern District of

Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check, numbered 2462, in the amount of approximately \$3,821.05 from BEM to CZERNEK, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT FOUR

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about August 17, 2018, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check numbered 2697, in the amount of approximately \$6,016.75 from BEM to CZERNEK, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT FIVE

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about April 25, 2019, at Bloomingdale, in the Northern District of

Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check, numbered 91846, in the amount of approximately \$9,941.14 from Bloomingdale Township to BEM, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT SIX

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about May 9, 2019, at Bloomingdale, in the Northern District of

Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check, numbered 2850, in the amount of approximately \$1,673.70 from BEM to CZERNEK, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT SEVEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about June 24, 2019, at Bloomingdale, in the Northern District of

Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check numbered 92071, in the amount of approximately \$40,479.71 from Bloomingdale Township to BEM, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT EIGHT

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about August 6, 2019, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check numbered 92325, in the amount of approximately \$21,255.28 from Bloomingdale Township to BEM, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT NINE

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about September 23, 2019, at Bloomingdale, in the Northern

District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check numbered 92524, in the amount of approximately \$17,500.00 from Bloomingdale Township to BEM, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT TEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about September 30, 2019, at Bloomingdale, in the Northern

District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check, numbered 2920, in the amount of approximately \$1,466.88 from BEM to CZERNEK, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT ELEVEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about October 31, 2019, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check numbered 2957, in the amount of approximately \$5,163.25 from BEM to CZERNEK, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT TWELVE

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about December 2, 2019, at Bloomingdale, in the Northern

District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check numbered 2981, in the amount of approximately \$8,900.00 from BEM to CZERNEK, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT THIRTEEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about January 3, 2020, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check numbered 93022, in the amount of approximately \$15,183.98 from Bloomingdale Township to BEM, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT FOURTEEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 15 of Count One are incorporated here.
2. On or about January 6, 2020, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, for the purpose of executing the scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, and signals, namely, data relating to the negotiation of a check numbered 92880, in the amount of approximately \$15,700.00 from Bloomingdale Township to BEM, which data was processed by servers located outside Illinois;

In violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT FIFTEEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraph 1(f)-(h) is incorporated here.
2. On or about April 4, 2016, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

DEBRA FAZIO,

defendant herein, knowingly engaged in a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, namely, the purchase of a CAT 163H Motor Grader, Serial Number ARL00255 for \$55,000 by wire transfer from BEM Bank Account 2, which property was derived from specified unlawful activity, namely, wire fraud, in violation of Title 18, United States Code, Section 1343;

In violation of Title 18, United States Code, Section 1957(a).

COUNT SIXTEEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraph 1(f)-(h) is incorporated here.

2. On or about December 21, 2017, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

DEBRA FAZIO,

defendant herein, knowingly engaged in a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, namely, the purchase of a 2003 Caterpillar Model 325CL Hydraulic Excavator, Serial Number BFE00619, for \$31,000 by check from BEM Bank Account 1, which property was derived from specified unlawful activity, namely, wire fraud, in violation of Title 18, United States Code, Section 1343;

In violation of Title 18, United States Code, Section 1957(a).

COUNT SEVENTEEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraph 1(f)-(h) is incorporated here.
2. On or about December 28, 2017, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

DEBRA FAZIO,

defendant herein, knowingly engaged in a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, namely, the purchase of a CAT 936 Wheel Loader, Serial Number 33Z01264 for \$16,000 by wire transfer from BEM Bank Account 2, which property was derived from specified unlawful activity, namely, wire fraud, in violation of Title 18, United States Code, Section 1343;

In violation of Title 18, United States Code, Section 1957(a).

COUNT EIGHTEEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraph 1(f)-(h) is incorporated here.
2. On or about April 24, 2018, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

DEBRA FAZIO,

defendant herein, knowingly engaged in a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, namely, the purchase of a 906H2 Compact Wheel Loader, Serial Number JRF02500 for \$35,000 by check from BEM Bank Account 2, which property was derived from specified unlawful activity, namely, wire fraud, in violation of Title 18, United States Code, Section 1343;

In violation of Title 18, United States Code, Section 1957(a).

COUNT NINETEEN

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraph 1(f)-(h) is incorporated here.
2. On or about January 15, 2019, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

DEBRA FAZIO,

defendant herein, knowingly engaged in a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, namely, the purchase of a Caterpillar Model 962G II, Serial Number AXY00228 for \$25,000 by check from BEM Bank Account 2, which property was derived from specified unlawful activity, namely, wire fraud, in violation of Title 18, United States Code, Section 1343;

In violation of Title 18, United States Code, Section 1957(a).

COUNT TWENTY

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. Paragraph 1(f)-(h) is incorporated here.
2. On or about October 30, 2019, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere,

DEBRA FAZIO,

defendant herein, knowingly engaged in a monetary transaction affecting interstate commerce in criminally derived property of a value greater than \$10,000, namely, the purchase of a Caterpillar Model IT 38F Wheel Loader, Serial Number 6FN00448 for \$17,000 by check from BEM Bank Account 1, which property was derived from specified unlawful activity, namely, wire fraud, in violation of Title 18, United States Code, Section 1343;

In violation of Title 18, United States Code, Section 1957(a).

FORFEITURE ALLEGATION

The SPECIAL JANUARY 2019 GRAND JURY alleges:

1. Counts One through Twenty of this indictment are incorporated here for the purpose of alleging forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. As a result of the offenses charged in Counts One through Twenty of this indictment,

ROBERT CZERNEK,
DEBRA FAZIO, and
MARIO GIANNINI,

defendants herein, shall forfeit to the United States any and all right, title, and interest they have in any property, real and personal, which constitutes or is derived from proceeds traceable to the offenses in Counts One through Twenty.

3. Upon conviction of an offense in violation of Title 18, United States Code, Section 1957, as set forth in this Indictment, defendant shall forfeit to the United States of America any property involved in such offense, and any property traceable to such property, as provided in Title 18, United States Code, Section 982(a)(1).

4. The interests of defendants subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), include but are not limited to the following:

a. approximately \$7,798.98 from BMO Harris Bank account number ****1501, held in the name of ROBERT CZERNEK dba TRI STATE EXPRESS LTD, seized on or about January 21, 2020;

b. approximately \$19,718.96 from Pan American Bank account number *****4306, held in the name of ROBERT CZERNEK and Individual A, seized on or about January 21, 2020;

c. approximately \$247,865.02 from West Suburban Bank account number *****6019, held in the name of Bulldog Earth Movers Inc., seized on or about January 21, 2020;

d. approximately \$27,868.79 from JP Morgan Chase Bank account number: *****8306, held in the name of Bulldog Earth Movers Inc., seized on or about January 21, 2020;

e. a 2014 Lexus RX350 vehicle bearing identification number: 2T2BK1BA6EC230942, held in the name of ROBERT CZERNEK and Individual A, seized on or about January 21, 2020;

f. a 1966 Buick Wildcat, bearing vehicle identification number 466376X155561, held in the name of ROBERT CZERNEK, seized on or about January 21, 2020;

g. a 1981 Corvette, bearing vehicle identification number 1G1AY8764BS427848, held in the name of ROBERT CZERNEK;

h. a 345CL Hydraulic Excavator, Serial Number DHP00261, purchased by Bulldog Earth Movers Inc. on or about August 3, 2015;

i. a CAT 163H Motor Grader, Serial Number ARL00255, purchased by Bulldog Earth Movers Inc. on or about April 4, 2016;

j. a 2003 Caterpillar Model 325CL Hydraulic Excavator, Serial Number BFE00619, purchased by Bulldog Earth Movers Inc. on or about December 21, 2017;

k. a CAT 936 Wheel Loader, Serial Number 33Z01264, purchased by Bulldog Earth Movers Inc. on or about December 28, 2017;

l. a 906H2 Compact Wheel Loader, Serial Number JRF02500, purchased by Bulldog Earth Movers Inc. on or about April 24, 2018;

m. a Caterpillar Model 962G II, Serial Number AXY00228, purchased by Bulldog Earth Movers Inc. on or about January 15, 2019; and

n. a Caterpillar Model IT 38F Wheel Loader, Serial Number 6FN00448, purchased by Bulldog Earth Movers Inc. on or about October 30, 2019.

5. If, as a result of any act or omission by the defendants, any of the forfeitable property described above:

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 of America shall be entitled to forfeiture of substitute property, as provided in Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

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

A TRUE BILL:

FOREPERSON

Signed by Amarjeet S. Bhachu
on behalf of the
UNITED STATES ATTORNEY