

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) Cr. No.
)
 v.) VIOLATIONS:
) 18 U.S.C. § 371--
 1. CARMEN S. DINUNZIO,) Conspiracy to Commit
 A/K/A "CHEESEMAN",) Bribery Concerning Programs
 2. ANTHONY J. D'AMORE, and) Receiving Federal Funds
 3. ANDREW MARINO)
)

INDICTMENT

The Grand Jury charges that:

COUNT ONE: (18 U.S.C. § 371 -- Conspiracy to Commit
Bribery Concerning Programs Receiving
Federal Funds)

At all times material to this Indictment:

1. The Central Artery/Tunnel (hereinafter "CA/T") project, colloquially known as the "Big Dig," was a multi-billion dollar public construction project in the city of Boston funded by agencies and departments of the state and federal government.

2. The Federal Highway Administration (hereinafter "FHWA") is an operating administration of the United States Department of Transportation which administers the distribution of federal funds to state agencies responsible for building and maintaining roadways, bridges and tunnels. FHWA's functions, as delegated by the United States Secretary of Transportation, included approving CA/T construction projects and distributing federal highway construction funds for use on CA/T construction projects to the Commonwealth of Massachusetts.

3. The Massachusetts Highway Department was an agency of the executive branch of the Commonwealth of Massachusetts charged with the design, construction and maintenance of the Commonwealth's highways, bridges, and related projects. The Massachusetts Highway Department received federal assistance in excess of \$10,000 during the period beginning January 2006 through December 2006.

4. ANDREW MARINO held himself out as a partner of a company known to the grand jury ("Company A").

5. From in or about May 2006, and continuing through in or about December 2006, in the District of Massachusetts and elsewhere,

1. CARMEN S. DINUNZIO, A/K/A "CHEESEMAN",
2. ANTHONY J. D'AMORE, and
3. ANDREW MARINO,

defendants herein, did knowingly and willfully combine, conspire, and agree with each other to corruptly give, offer, and agree to give something of value to a person, intending to influence and reward an agent of the Massachusetts Highway Department in connection with the business, transactions, and series of transactions of the Massachusetts Highway Department involving something of value of \$5,000 or more, in violation of Title 18, United States Code, Section 666 (a)(2).

Manner and Means of the Conspiracy

6. It was part of the conspiracy that CARMEN S. DINUNZIO, ANTHONY J. D'AMORE, and ANDREW MARINO, would seek to obtain a contract with the Massachusetts Highway Department to sell the Massachusetts Highway Department 300,000 cubic yards of loam (i.e., soil composed of sand, silt, manure, and clay), to be supplied by Company A, for use on the Big Dig.

7. It was further part of the conspiracy that CARMEN S. DINUNZIO, ANTHONY J. D'AMORE, and ANDREW MARINO would and did corruptly offer, give, and agree to give cash payments to an individual who they believed was an agent of the Massachusetts Highway Department, but who was actually a Special Agent of the Federal Bureau of Investigation acting in an undercover capacity and using the name "Mike" (hereinafter the "UC" or "Mike"), in exchange for "Mike"'s ensuring that they obtained the contract to sell 300,000 cubic yards of loam to the Massachusetts Highway Department for use on the Big Dig.

Overt Acts

8. In furtherance of the conspiracy and to effect the objects thereof, the following overt acts were committed in the District of Massachusetts.

9. On or about September 22, 2006, CARMEN S. DINUNZIO provided \$10,000 in cash to a cooperating witness working with the FBI (the "CW") for the purpose of facilitating the down

payment of the payoff to the person they believed to be the Massachusetts Highway Department employee named "Mike."

10. On or about September 29, 2006, CARMEN S. DINUNZIO, ANTHONY J. D'AMORE, and the CW met with "Mike" (i.e., the "UC") and provided "Mike" with the \$10,000 in cash supplied by CARMEN S. DINUNZIO, as well as an additional \$5,000 in official government funds ostensibly supplied by the CW, as a down payment for "Mike"'s assistance in ensuring that they secure the contract to sell the Massachusetts Highway Department 300,000 yards of loam.

11. On or about September 29, 2006, CARMEN S. DINUNZIO, ANTHONY J. D'AMORE, ANDREW MARINO and the CW met with "Mike" (i.e., the "UC") and ANDREW MARINO provided "Mike" with a sample of the 300,000 yards of loam that they proposed to sell to the Massachusetts Highway Department.

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL,

FOREPERSON OF THE GRAND JURY

PETER K. LEVITT
NATASHIA TIDWELL
ASSISTANT U.S. ATTORNEYS

DISTRICT OF MASSACHUSETTS

May 1, 2008

Returned into the District Court by the Grand Jurors and
filed.

Deputy Clerk

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)

I, the undersigned foreman of the grand jury of this Court, at the term begun and held at Boston on the 1st day of May, 2008, in pursuance of Rule 6(c) of the Federal Rules of Criminal Procedure, do herewith file with the Clerk of the Court a record of the above case, this record not to be made public except on order of the court, to wit:

_____ grand jurors concurring in the indictment.

FOREPERSON