

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED MAY 21 2013 ROBERT D. DENNIS, CLERK U.S. DIST. COURT, WESTERN DIST. OF OKLA. BY [Signature]

UNITED STATES OF AMERICA,)
Plaintiff,) No. CR-12-265-M
-vs-) Violations: 18 U.S.C. § 1349
JAMES LEE LOMAN,) 18 U.S.C. § 201(b)(2)
Defendant.) 18 U.S.C. § 208(a)
) 18 U.S.C. § 981(a)(1)(C)
) 28 U.S.C. § 2461(c)

SUPERSEDING INDICTMENT

The Federal Grand Jury charges:

1. At all times relevant to this Superseding Indictment, JAMES LEE LOMAN was an Item Manager at Tinker Air Force Base in Midwest City, Oklahoma. His area of responsibility involved purchasing replacement parts for certain aircraft, including those with Boeing 707 airframes. In that capacity, LOMAN had significant influence over which suppliers would receive U.S. Air Force contracts for aircraft replacement parts.

2. At all times relevant to this Superseding Indictment, Co-conspirator 1 was a resident of Florida who owned and operated Daytona

Aerospace, Inc., of Deerfield Beach, Florida, which supplied aircraft parts to the U.S. Air Force.

COUNT 1

Conspiracy to Defraud through Bribery

3. The Federal Grand Jury incorporates paragraphs 1-2 by reference.

4. From no later than May of 2002 until in or about November of 2006, in the Western District of Oklahoma and elsewhere,

_____ **JAMES LEE LOMAN** _____

knowingly and intentionally, and with interdependence, combined, conspired, and agreed with Co-conspirator 1 and with others known and unknown to the Federal Grand Jury to commit the offense of using interstate wire communications in furtherance of a scheme to defraud the United States of its right to the honest services of federal officials, a violation of Title 18, United States Code, Sections 1343 and 1346.

The Object of the Conspiracy

5. The object of the conspiracy was for Co-conspirator 1 to make bribe payments to **LOMAN** to cause **LOMAN** to use his position as a federal official in favor of Co-conspirator 1's business interests, including the sale of replacement aircraft parts to the U.S. Air Force.

Manner and Means

6. The object of the conspiracy was accomplished as follows:

A. In or before 2002, **LOMAN** and Co-conspirator 1 agreed that when the U.S. Air Force purchased aircraft parts within **LOMAN**'s area of responsibility from Daytona Aerospace, Inc., or another company under Co-conspirator 1's control, Co-conspirator 1 would pay **LOMAN** a percentage of the price of the parts.

B. During 2002, 2003, 2004, and 2005, **LOMAN** faxed information about U.S. Air Force parts orders from Oklahoma to Co-conspirator 1 in Florida. In addition to listing part numbers and prices, these faxes included amounts due to **LOMAN**, based on a percentage ranging from 5% to 10% of the total price.

C. During 2002, 2003, 2004, 2005, and 2006, **LOMAN** and Co-conspirator 1 spoke by telephone through interstate wire communications concerning orders for aircraft parts within **LOMAN**'s area of responsibility.

D. On multiple occasions during 2002 to 2004, **LOMAN** drove to Florida to meet personally with Co-conspirator 1 for the purpose of receiving U.S. currency pursuant to the bribery agreement. During these meetings, Co-conspirator 1 gave **LOMAN** tens of thousands of dollars in cash.

Acts in Furtherance of the Conspiracy

7. In order to effect the object of the conspiracy, **LOMAN** and others committed one or more of the following acts, among others:

A. On or about May 15, 2002, **LOMAN** stayed at a Comfort Inn in Deerfield Beach, Florida, for the purpose of meeting with a representative of Daytona Aerospace and receiving cash in exchange for favorable treatment of Co-conspirator 1's business interests.

B. On or about July 8, 2002, **LOMAN** stayed at a La Quinta Inn in Deerfield Beach, Florida, for the purpose of meeting with a representative of Daytona Aerospace and receiving cash in exchange for favorable treatment of Co-conspirator 1's business interests.

C. On or about October 26, 2002, **LOMAN** stayed at a La Quinta Inn in Deerfield Beach, Florida, for the purpose of meeting with a representative of Daytona Aerospace and receiving cash in exchange for favorable treatment of Co-conspirator 1's business interests.

D. On or about December 7, 2002, **LOMAN** faxed to Co-conspirator 1 through interstate wire communications a matrix showing monthly U.S. Air Force parts orders for May 2002 through November 2002, totaling \$6,447,604.00; **LOMAN**'s bribe payment of 5%, totaling \$322,379.00; and the amount of the bribe payments that Co-conspirator 1 had actually paid to **LOMAN** during that period, totaling \$203,000.00.

E. On or about March 11, 2003, **LOMAN** faxed to Co-conspirator 1 through interstate wire communications a matrix showing monthly parts orders for January and February 2003, totaling \$2,107,718.00; **LOMAN**'s bribe payment of 5%, totaling \$105,385.00; and the amount of the bribe payments that Co-conspirator 1 had actually paid to **LOMAN** during that period, totaling \$51,000.00.

F. During September, October, and November of 2003, **LOMAN** caused the structuring of large cash deposits into a personal account at BancFirst in order to avoid the \$10,000.00 threshold for financial institutions to report cash transactions to the Internal Revenue Service under 31 U.S.C. § 5313. In particular, **LOMAN** caused the following cash deposits:

September 5, 2003	\$5,000.00
September 22, 2003	\$7,000.00
October 3, 2003	\$3,000.00
October 9, 2003	\$6,000.00
October 16, 2003	\$8,600.00
October 17, 2003	\$5,000.00
October 21, 2003	\$4,000.00
November 4, 2003	\$8,000.00
November 10, 2003	\$6,700.00
November 21, 2003	\$8,000.00

G. On or about June 14, 2004, **LOMAN** faxed to Co-conspirator 1 through interstate wire communications a matrix showing parts numbers, quantities, and prices for various aircraft parts that the U.S. Air Force purchased through Co-conspirator 1 in May 2004, totaling \$120,955.00. At the bottom, next to the symbol “%,” the matrix included the number \$12,095.00, exactly 10% of the total price.

H. On or about November 30, 2004, **LOMAN** faxed to Co-conspirator 1 through interstate wire communications a matrix showing parts numbers, quantities, and prices for various aircraft parts that the U.S. Air Force purchased through Co-conspirator 1 in November 2004, totaling \$120,879.00. At the bottom, next to the symbol “%,” the matrix included the number \$12,087.00, exactly 10% of the total price.

All in violation of Title 18, United States Code, Section 1349.

COUNT 2

Accepting a Bribe

8. The Federal Grand Jury incorporates paragraphs 1-2 by reference.

9. From no later than May of 2002 until in or about November of 2006, in the Western District of Oklahoma and elsewhere,

_____**JAMES LEE LOMAN,**_____

a public official, corruptly demanded, sought, received, accepted, and agreed to receive and accept something of value personally, in return for being influenced in the performance of official actions. In particular, while serving as an Item Manager at Tinker Air Force Base in Midwest City, Oklahoma, **LOMAN** engaged in a course of conduct that consisted of corruptly demanding and accepting a stream of benefits in the form of multiple payments of U.S. currency from an individual affiliated with Daytona Aerospace, Inc., of Florida in exchange for **LOMAN**'s favorable treatment of the individual's business interests in federal contracting as opportunities arose to grant favorable treatment.

All in violation of Title 18, United States Code, Section 201(b)(2).

COUNT 3

Illegal Private Financial Interest

10. The Federal Grand Jury incorporates paragraphs 1-2 by reference.

11. On or about January 11, 2005, in the Western District of Oklahoma and elsewhere,

_____ **JAMES LEE LOMAN**, _____

an employee of the executive branch of the United States Government, knowingly and willfully participated personally and substantially as an employee of the United States, through decision, approval, recommendation,

the rendering of advice, investigation, and otherwise in contract number FA8101-05-M-D320, with Daytona Aerospace Inc. of Deerfield Beach, Florida, in the amount of \$45,850.00, in which **LOMAN** had a financial interest.

All in violation of Title 18, United States Code, Section 208(a), the penalty for which is set out at Title 18, United States Code, Section 216(a).

FORFEITURE ALLEGATIONS

12. Upon conviction of either of the offenses alleged in Count 1 or 2, **JAMES LEE LOMAN** shall forfeit 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), any property constituting or derived from proceeds traceable to those offenses, including but not limited to:

A sum of money equal to \$838,200.00, which represents the proceeds obtained as a result of conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349, and accepting a bribe, in violation of Title 18, United States Code, Section 201(b)(2).

13. If, as a result of any act or omission of the defendant, any of the property described above as being subject to forfeiture cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty, it is the intent of the United States, pursuant to Title 21 United States Code, Section 853(p), as

incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property, including but not limited to the following:

A tract of land containing 39.97 acres more or less in Section 9-12-2, N/2 of the S/2 of the SE/4 less highway, Lincoln County, also known as 318 North State Highway 102, McLoud, Oklahoma.

All in accordance with Title 18, United States Code, Sections 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

SANFORD C. COATS
United States Attorney



SCOTT E. WILLIAMS
Assistant U.S. Attorney



CHRIS M. STEPHENS
Assistant U.S. Attorney