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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

AMERICAN COMPOSITE TIMBERS, INC.,

Defendant.

INFORMATION

FILED: October 23, 2008

Cr. No. 08-cr-714 (ADS)
T. (T. 18, U.S.C. § 371)

CRIMINAL INFORMATION

THE UNITED STATES OF AMERICA, THROUGH ITS ATTORNEYS,
CHARGES THAT:

At all times relevant to this Information:

1. The defendant AMERICAN COMPOSITE TIMBERS, INC. ("ACT") is an entity organized and existing under the laws of New York with its principal place of business in Commack, New York. ACT is a reseller of plastic pilings to various entities including the City of New York.
2. Plastic marine pilings are reinforced synthetic pilings, resembling telephone poles, used as substitutes for traditional wood timber pilings in port and pier construction projects and other marine applications. ACT and its co-conspirators were engaged in selling plastic pilings to the City of New York.
3. From in or about 1999 until in or about February 2003, the exact dates being unknown to the United States, in the Eastern District of New York and elsewhere, the defendant ACT, together with other co-conspirators, did knowingly and intentionally conspire with co-conspirator CHARLES N. KRISS ("KRISS"), an agent of the New York City Department of Citywide Administrative Services, an organization or agency of the City of New York, a local government which received Federal benefits in excess of \$10,000 in each of the years 1999 through 2003, to corruptly accept and agree to accept things of value from other persons, intending to be influenced and rewarded in connection with business or a series of transactions of an organization or agency of the City of New York involving things of value of \$5,000 or more, in violation of Title 18 United States Code,

Section 666(a)(1)(B), all in violation of Title 18 United States Code, Section 371.

4. Various corporations and individuals, not made defendants in this Information, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

5. Whenever in this Information reference is made to any act, deed or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control or transaction of its business or affairs.

The CONSPIRACY AND ITS OBJECTS

6. KRISS was, as part of his employment with the City of New York, assigned to oversee aspects of repairs to Pier 86, a pier located on the Hudson River in Manhattan. At all times relevant to this Information, Pier 86 was the principal location of displays constituting the Intrepid Sea, Air and Space Museum. The repairs to Pier 86 included the purchase and installation of plastic pilings from approximately January, 2000 through 2002, the exact dates being unknown to the United States.

7. From in or about 2000 through 2002, the exact dates being unknown to the United States, a corporate co-conspirator ("CORPORATION 1") received a series of orders for plastic pilings from ACT and others for use in repairs to Pier 86, and subsequently sold such plastic pilings to ACT and others.

8. It was an object of the conspiracy for KRISS to corruptly receive a series of payments from CORPORATION 1, intending to be influenced and rewarded in connection with the procurement of plastic pilings from CORPORATION 1 for use in repairs to Pier 86 in the City of New York.

OVERT ACTS

9. In furtherance of the conspiracy and to accomplish its objectives, the following overt acts, among others, were committed by ACT and co-conspirators in the Eastern District of New York and elsewhere:

- a. an officer ("CO-CONSPIRATOR A") of ACT and KRISS attended a meeting with co-conspirators employed by CORPORATION 1 in or about September, 1999. At this meeting the conspirators engaged in discussions relating to the Pier 86 repair project;
- b. either at the aforementioned meeting or at another time unknown to the United States, an employee of CORPORATION 1 assured KRISS that, if CORPORATION 1 received orders for plastic pilings, CORPORATION 1 would make payments to KRISS approximating 10% of the value of such orders;
- c. commencing in January, 2000, and continuing until at least March, 2002,

CORPORATION 1 received a series of eleven orders from a contractor for plastic pilings intended for use in Pier 86 repairs. These orders had an aggregate total sale price of approximately \$424,900;

- d. after the first three orders were placed, KRISS told CORPORATION 1 that all subsequent orders for Pier 86 repair materials would be placed by ACT. Commencing in or about April 2000, and continuing until at least March 2002, ACT placed a series of at least eight orders with CORPORATION 1 for plastic pilings, one or more of which were placed from the Eastern District of New York;
- e. between approximately May, 2000 and February, 2003, the exact dates being unknown to the United States, CORPORATION 1 made a series of payments by check and cash on plastic pilings orders intended for Pier 86 repairs for the benefit of KRISS, in the manner directed by KRISS. These payments approximated 10% of the aggregate value of Pier 86 plastic pilings orders received by CORPORATION 1. Such payments as documented by CORPORATION 1's business records were at least \$36,380, and the total amount of such payments is unknown to the United States;
- f. on or about July, 2000, KRISS, by use of an interstate wire telephonic communication, directed CORPORATION 1 to make future payments intended for KRISS payable to another corporation ("CORPORATION 2"). CORPORATION 2 was a company in which CO-CONSPIRATOR A of ACT had an interest. KRISS directed that the checks payable to CORPORATION 2 be sent to a residential address in Cedarhurst, New York, in the Eastern District of New York, occupied by KRISS;
- g. between August, 2000, and December, 2002, CORPORATION 1 issued at least eight checks made out to CORPORATION 2. One or more of these checks were sent to the address in Cedarhurst, New York via either commercial courier or the United States Postal Service. At least five such checks, with a total value of \$13,293.47, were cashed;
- h. between August, 2000 and December, 2002, the exact dates being unknown to the United States, KRISS, CO-CONSPIRATOR A and other co-conspirators met on one or more occasions in the Eastern District of New York for the purpose of converting checks made out to CORPORATION 2 into cash for KRISS. The co-conspirators facilitated the cashing of CORPORATION 2's checks and provided the proceeds thereof to KRISS.
- i. CORPORATION 1 also made payments by delivering cash and checks made out in the name of other co-conspirators to KRISS. A co-conspirator employed by CORPORATION 1 hand-delivered payments and other things of value to KRISS on multiple occasions between on or about July, 2000 and February, 2003.

JURISDICTION AND VENUE

10. The crime charged in Count One of this Indictment was carried out, in part,

within the Eastern District of New York within the five years preceding the date of this Information, excluding the period during which the running of the statute of limitations was suspended pursuant to agreements with the Defendant.

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

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