



**June 7, 2005 -**

## **MANUFACTURER CHARGED WITH PROVIDING NON-CONFORMING PARTS FOR MILITARY AIRCRAFT**

**Failures Discovered During Boeing Testing Led To Grounding Of  
V-22 Osprey Fleet – Manufacturer Also Provided Non-Conforming Parts For Civilian Aircraft**

PHILADELPHIA – United States Attorney Patrick L. Meehan today announced the filing of an [indictment](#)\* against Anco-Tech, Inc., and two of its employees, Andrew Maliszewski, a quality manager and vice-president, and Alan Maliszewski, a sales manger and later a quality manager, charging them with various offenses arising from the manufacture and sale of titanium tubing for use in military and civilian aircraft.

From approximately 1991 through February 2002, Anco-Tech, Inc., located in Dearborn Heights, Michigan, manufactured titanium tubing for use in civilian aircraft and the V-22 Osprey tilt-rotor aircraft, a military aircraft made for the Department of Defense by The Boeing Corporation and Bell Helicopter Textron Inc. From at least 1994 through October 2000, Andrew Maliszewski was the quality manager and vice-president of Anco-Tech. Alan Maliszewski was the sales manager from 1994 until October 2000, and was the quality manager from October 2000 through February 2002.

“Tests were skipped, protocols were ignored, inspection procedures were not followed, documentation was either incomplete or falsified, and all of this was not only tolerated but sanctioned and condoned by the company,” said Meehan. “The certification process is a critical part of this country’s overall defense effort. The conduct of these defendants undermined that effort and created needless risk for the men and women of our armed forces.”

The indictment charges that from approximately 1995 through February 2002, Anco-Tech sold for use in V-22 Osprey aircraft and civilian aircraft titanium tubing without regard to whether it conformed to the applicable specifications, but nonetheless certified that the tubing complied with the specifications. The indictment further charges that defendants Andrew Maliszewski and Alan Maliszewski executed, or

directed other Anco-Tech employees to execute, false certificates of conformance that represented that titanium tubing manufactured for use in the aerospace industry conformed to all applicable specifications, knowing that the tubing had not been manufactured, inspected, and/or tested in conformance with the specifications, or that the tubing did not conform to the applicable specifications regarding chemical composition, dimension, strength and/or other physical and mechanical properties. In this regard, the indictment charges that the Maliszewskis directed Anco-Tech employees to skip required tests and ignore certain testing protocols, or were aware of and approved this conduct. The indictment further alleges that applicable inspection procedures were not followed, and that required documentation was not being completed and/or was falsified, and that this conduct was directed and/or condoned by the Maliszewskis.

The indictment charges that Anco-Tech and the Maliszewskis violated the specifications in various ways with respect to specific "heat lots," or production runs, of titanium tubing made for use in V-22 Osprey or civilian aircraft. With respect to these heat lots, the defendants executed, or directed others to execute, certificates of conformance that falsely represented that all required testing had been performed and was acceptable, knowing that certain tests had not been performed, and that other testing and inspection procedures had not been followed. Tubing from these heat lots was sold to Boeing through TW Metals, or to Bell directly or through Future Metals, an approved distributor. Boeing installed tubing from these heat lots in V-22 Osprey aircraft.

In August 2002, titanium tubing manufactured by Anco-Tech that was installed in the back-up brake system of a V-22 Osprey failed a routine test performed by Boeing. As a result, Boeing and Bell isolated in-stock titanium tubing manufactured by Anco-Tech, and performed a functional pressure test on samples of each heat lot of tubing. Approximately 25% of the tubing failed the pressure test. In March 2003, as a result of the failures identified during the testing of Anco-Tech's tubing, the United States Marine Corps, in conjunction with Boeing and Bell, grounded the V-22 Osprey fleet and removed all Anco-Tech tubing installed in flight-critical applications in the hydraulic systems, which along with all other associated costs totaled in excess of \$4 million.

\* \* \*

Anco-Tech was the exclusive supplier of titanium tubing for the Boeing portion of the V-22 production from 1991 through 2002. Bell also used Anco-Tech titanium tubing in its portion of the V-22 production during this period. Boeing manufactures the fuselage of the V-22 Osprey in Ridley Park, Pennsylvania, and Bell manufactures the wing unit and engine nacelles in Fort Worth, Texas. Anco-Tech sold titanium tubing to Boeing and Bell directly and through approved distributors, including TW Metals, Inc. which is headquartered in Exton, Pennsylvania.

The United States Department of Defense and the United States Department of Transportation require that component parts manufactured for use in the aerospace industry comply with rigid specifications intended to ensure the safety of crew and passengers, and reduce the risk of failed mission, loss of life, and loss of aircraft. The aerospace specifications required titanium tubing to meet certain chemical, physical and mechanical standards, and set forth specific manufacturing and quality control procedures,

including testing and inspection requirements. Pursuant to the specifications, Anco-Tech was required to provide a report, referred to in the aerospace industry as a certificate of conformance, which contained the results of the various testing required by the specifications, and which certified that the tubing conformed to the specifications. Anco-Tech was required to supply a certificate of conformance with each shipment of tubing. Boeing and Bell were authorized to accept the certificates of conformance on behalf of the United States Department of Defense, and relied upon the certificates of conformance in installing Anco-Tech tubing on the V-22 Osprey. Other purchasers of aviation-quality tubing also relied on the Anco-Tech certificates of conformance in accepting and installing the tubing on aircraft.

There have been two fatal crashes of V-22 Osprey aircraft after delivery to the military. One goal of the investigation in this case was to determine if Anco-Tech tubing was implicated in the crashes. The August 2000 crash of a V-22 aircraft in Arizona which killed 19 Marines was caused by factors unrelated to any mechanical failure of component parts, including titanium tubing. In December 2000, a V-22 Osprey aircraft crashed in North Carolina, killing four Marines. The Naval crash investigation determined that titanium tubing installed in the hydraulic line ruptured, triggering a series of system failures that led to the crash. The investigation in this case confirmed that Anco-Tech's titanium tubing manufactured as part of heat lot 4HN4309 was installed in the hydraulic system in this aircraft, and that Anco-Tech failed to comply with all applicable testing and inspection procedures in manufacturing this heat lot. Nevertheless, an independent expert retained by the Department of Justice did not find any notable flaws or defects in the tubing that would have caused the rupture at issue, and that the rupture was most likely due to external forces unrelated to the condition of the tubing. Thus, there is no evidence that the defendants' conduct was a factor in the crash, and the indictment does not allege that their conduct caused or contributed to the crash.

<b>DEFENDANT</b>	<b>ADDRESS</b>	<b>AGE [Date of Birth]</b>
Anco-Tech, Inc.	located in Dearborn Heights, MI, from approximately 1991 through February 2002	N/A
Andrew Maliszewski	Dearborn Heights, MI	53
Alan Maliszewski	Livonia, MI	41

If convicted, the defendants face the following maximum possible sentences:

Andrew Maliszewski: 20 years of imprisonment, 3 years of supervised release, a \$750,000 fine, and a \$200 special assessment

Alan Maliszewski: 200 years of imprisonment, 3 years of supervised release, a \$7.25 million fine, and a \$1,700 special assessment

Anco-Tech, Inc. is subject to a maximum fine of \$7.25 million.

The case was investigated by the Defense Criminal Investigative Service, the Naval Criminal Investigative Service, and the United States Department of Transportation, and has been assigned to Assistant United States Attorney Bernadette McKeon.

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**\*An Indictment or Information is an accusation. A defendant is presumed innocent unless and until proven guilty.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b> <hr/>	<b>:</b>	<b>CRIMINAL NO.</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>ANCO-TECH, INC.</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>ANDREW MALISZEWSKI</b>	<b>:</b>	<b>18 U.S.C. § 1341 (mail fraud - 7 counts)</b>
<b>ALAN MALISZEWSKI</b>	<b>:</b>	<b>18 U.S.C. § 38(a)(3) (conspiracy to commit aircraft parts fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 38(a) (1)(C) (aircraft parts fraud - 10 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding, abetting, and causing)</b>

**INDICTMENT**

**COUNTS ONE THROUGH SEVEN**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

**BACKGROUND**

1. From in or about 1991 through in or about February 2002, defendant ANCO-TECH, INC. ("ANCO-TECH"), located at 2525 South Beech-Daly Road, Dearborn Heights, Michigan, manufactured seamless titanium tubing for a variety of uses, including applications in military and civilian aircraft.

**THE V-22 OSPREY**

2. The V-22 Osprey tilt-rotor aircraft (the "V-22 Osprey") was manufactured by Boeing Integrated Defense Systems ("Boeing"), in a joint venture with Bell Helicopter Textron, Inc. ("Bell"), pursuant to a contract with the United States Department of Defense and

its component agencies. Pursuant to this joint venture, Boeing manufactured the fuselage in Ridley Park, Pennsylvania, and Bell manufactured the wing unit and engine components in Fort Worth, Texas.

3. Defendant ANCO-TECH sold titanium tubing to Boeing and Bell for use in the V-22 Osprey directly and through approved distributors, including TW Metals, Inc. (“TW Metals”), formerly known as Tubesales, Inc. (“Tubesales”), which was headquartered in Exton, Pennsylvania, and had offices throughout the United States, and Future Metals, Inc. (“Future Metals”), which had offices in Florida and Texas.

4. Boeing and Bell used defendant ANCO-TECH’s titanium tubing on the V-22 Osprey in various non-critical and flight-critical applications, including the hydraulic system.

5. From at least 1991 through February 2002, defendant ANCO-TECH was the exclusive supplier of all titanium tubing used by Boeing in its portion of the V-22 Osprey production, and also supplied titanium tubing to Bell for use in its portion of the V-22 Osprey production.

6. The United States Department of Defense and the United States Department of Transportation required that component parts manufactured for use in military and civilian aircraft comply with rigid specifications intended to ensure the safety of crew and passengers, and to reduce the risk of failed mission, loss of life, and loss of aircraft.

7. The United States Department of Defense and its contracting aircraft manufacturers required titanium tubing manufactured for use in the V-22 Osprey to comply with Aerospace Material Specifications (“AMS”) 4944, and 4945 or 4945A, Boeing Vertol

Specification (“BVS”) D210-12096-1 and D210-12096-1A, and the additional specifications referenced in the AMS and BVS specifications (hereinafter collectively referred to as “the V-22 specifications”).

8. The V-22 specifications required aviation-quality titanium tubing to meet certain chemical, physical and mechanical standards, and set forth specific manufacturing and quality control procedures, including testing and inspection requirements.

9. The V-22 specifications required manufacturers of titanium tubing to complete a qualification process. As part of this process, manufacturers were required to establish and submit for approval quality control procedures that would ensure that the tubing met the technical requirements of the specifications. Once qualified, defendant ANCO-TECH was not permitted to make any changes to the method of manufacture and quality control procedures without the prior approval of Boeing and/or Bell.

10. The V-22 specifications required manufacturers to test and inspect the titanium tubing at various stages of the production and post-production process. These tests included: 1) 100% ultrasonic testing of each tube, which was intended to detect subsurface irregularities of all types and orientations; 2) testing of the chemical composition of the finished tubing, including the hydrogen content; 3) testing for microstructure irregularities, which was intended, inter alia, to identify problems associated with the heat-treatment process; 4) tensile, yield, elongation and contractile strain ratio tests, which were intended to measure the strength and resistance of the material; and 5) dimensional and final inspections, which were intended to detect dimensional discrepancies and surface flaws.

11. The V-22 specifications required manufacturers of titanium tubing to

conduct flare, flattening and bend tests, which were intended to test the formability of the tubing and to detect flaws that would affect formability. Boeing waived these tests, but Bell required manufacturers to conduct these tests and certify that they had been performed.

12. The V-22 and industry specifications required manufacturers to assign to each production run of tubing a unique number, commonly referred to as a “heat lot number,” referring to all tubing that was heat-treated in the same furnace at the same time, and that was subjected to the same processing and finishing operations. The heat lot number was used to identify, track, and handle all tubing from the production run.

13. The V-22 specifications required manufacturers to provide a report containing the results of the various testing required by the specification, to certify that the tubing conformed to all technical requirements of the specifications, and that the method of manufacture and testing had not changed since qualification. This report was generally referred to in the aerospace industry as a “certificate of conformance.”

14. The V-22 specifications required manufacturers of titanium tubing to document each step of the production, inspection, and testing process for each heat lot of tubing, to maintain these records, and to produce them for inspection upon request.

15. The V-22 specifications required manufacturers of titanium tubing to ensure that non-conforming tubing was properly identified and segregated from conforming tubing.

16. With respect to tubing manufactured for Boeing pursuant to the V-22 specifications, authorized personnel of defendant ANCO-TECH executed a certificate of conformance entitled “Chemical and Physical Report of Material Shipped,” which contained



summary results of chemical analysis and mechanical properties and tests, citing both the specification requirements and testing results. The document contained a certification that the tubing met the requirements of AMS 4945 or AMS4945A, except for flare, flattening, and bend tests, and that the “[m]ethod of manufacture and testing has not changed since qualification.” The document further certified that the material conformed to specification D210-12096-1A.

17. With respect to tubing manufactured for Bell pursuant to the V-22 specifications, authorized personnel of defendant ANCO-TECH executed a certificate of conformance that contained the same information as the Boeing certification, except that it did not waive the flare and flattening, and bend test requirements.

18. The V-22 specifications required defendant ANCO-TECH to supply a certificate of conformance with each shipment of titanium tubing.

19. With respect to titanium tubing manufactured for use in the V-22 Osprey, Boeing and Bell required TW Metals and Future Metals to maintain all of defendant ANCO-TECH’s certificates of conformance, and to forward to Boeing or Bell one certificate of conformance per heat lot.

20. Boeing and Bell were authorized to accept, on behalf of the United States Department of Defense, certificates of conformance issued by manufacturers and suppliers of aircraft parts, including those issued by defendant ANCO-TECH, and relied upon ANCO-TECH’s certificates of conformance in installing ANCO-TECH tubing on the V-22 Osprey.

21. Boeing and Bell would not accept for use in the V-22 Osprey titanium tubing that had not been manufactured, tested and inspected as required by specification.

22. Boeing installed defendant ANCO-TECH’s titanium tubing in all 39 V-22

Osprey aircraft manufactured from in or about 1991 through in or about December 2002, and Bell installed defendant ANCO-TECH's titanium tubing in many of these aircraft.

23. In or about August 2002, titanium tubing manufactured by defendant ANCO-TECH that had been installed in the back-up brake system of a V-22 Osprey failed a routine test performed by Boeing. As a result, Boeing and Bell isolated their supplies of titanium tubing manufactured by defendant ANCO-TECH, and performed a functional pressure test on samples of each heat lot of tubing. Approximately 25% of the ANCO-TECH tubing failed the pressure test.

24. In or about March 2003, as a result of the failures identified during the testing of defendant ANCO-TECH's tubing, the United States Marine Corps, in conjunction with Boeing and Bell, grounded the entire V-22 Osprey fleet, and removed all ANCO-TECH tubing installed in flight-critical applications in the hydraulic systems of the aircraft, at a cost in excess of \$4 million.

#### **CIVILIAN AIRCRAFT**

25. Defendant ANCO-TECH sold aviation-quality titanium tubing for aircraft to the civilian aviation industry directly and through suppliers, including TW Metals.

26. Titanium tubing manufactured by defendant ANCO-TECH for use in civilian aircraft was required to comply with various industry specifications, including AMS 4944, AMS 4945, AMS 4945A and AMS 4945B (hereinafter collectively referred to as the "industry specifications").

27. The industry specifications established manufacturing, inspection and testing requirements, which included ultrasonic testing of each tube, hydrogen testing, testing for

microstructure irregularities, testing of mechanical properties, and dimensional and final inspections, and also required manufacturers to execute a certificate of conformance.

28. With respect to tubing manufactured pursuant to the industry specifications, authorized personnel of defendant ANCO-TECH executed a certificate of conformance entitled “Chemical and Physical Report of Material Shipped,” which contained summary results of chemical analysis and mechanical properties and tests, citing both the specification requirements and testing results. The document contained a certification that the tubing conformed to the applicable specifications.

29. The industry specifications required defendant ANCO-TECH to provide a certificate of conformance for each shipment of tubing.

#### **ANCO-TECH EMPLOYEES**

30. From in or about 1994 until in or about September 2000, defendant ANDREW MALISZEWSKI was the Quality Assurance Manager, and at times was also the Vice-President, of defendant ANCO-TECH, and as such, supervised the laboratory and inspection departments, and executed certificates of conformance representing that the tubing met the applicable aerospace specifications.

31. From in or about 1994 until in or about September 2000, defendant ALAN MALISZEWSKI was employed as the Sales Manager of defendant ANCO-TECH. As the Sales Manager, defendant ALAN MALISZEWSKI was familiar with the production, testing, and inspection requirements and procedures, and interacted with the production and quality departments.

32. From in or about September 2000 to in or about February 2002, defendant

ALAN MALISZEWSKI was employed as the Quality Assurance Manager of defendant ANCO-TECH, and as such, supervised the laboratory and inspection departments, and executed certificates of conformance, representing that the tubing met the applicable aerospace specifications.

33. Elaine Slomsky, prosecuted elsewhere, was employed by defendant ANCO-TECH as a Quality Assurance Supervisor from in or about 1991 to in or about June 1999, and from in or about early 2000 to in or about May 2001. As Quality Assurance Supervisor, Slomsky reported directly to defendant ANDREW MALISZEWSKI and/or defendant ALAN MALISZEWSKI, supervised the inspection and laboratory departments, and was authorized to execute certificates of conformance.

#### **THE SCHEME**

34. From in or about 1995 through in or about February 2002, in the Eastern District of Pennsylvania and elsewhere, defendants

#### **ANCO-TECH, INC., ANDREW MALISZEWSKI, and ALAN MALISZEWSKI**

devised and intended to devise a scheme to defraud and to obtain money by false and fraudulent pretenses, representations, and promises.

It was part of the scheme that:

35. Defendant ANCO-TECH knowingly manufactured and sold for military and civilian aircraft applications titanium tubing that had not been manufactured, inspected, and/or tested in conformance with the applicable specifications.

36. Defendant ANCO-TECH knowingly manufactured and sold for military

and civilian aircraft applications titanium tubing that did not conform to the applicable specifications regarding chemical composition, dimension, strength, and/or other physical and mechanical properties.

37. Defendants ANDREW MALISZEWSKI and ALAN MALISZEWSKI executed, and directed and caused other ANCO-TECH employees to execute, false certificates of conformance that represented that titanium tubing manufactured for use in the aerospace industry conformed to all applicable specifications, knowing that the tubing had not been manufactured, inspected, and/or tested in conformance with the specifications.

38. Defendants ANDREW MALISZEWSKI and ALAN MALISZEWSKI executed, and directed and caused other ANCO-TECH employees to execute, false certificates of conformance that represented that titanium tubing manufactured for use in the aerospace industry conformed to all applicable specifications, knowing that the tubing did not conform to the applicable specifications regarding strength and/or other physical and mechanical properties.

39. Employees of defendant ANCO-TECH did not perform the required hydrogen analysis of the titanium tubing, and falsified the test results on the certificates of conformance by falsely stating that the hydrogen test had been performed and the hydrogen content was within acceptable limits.

40. Employees of defendant ANCO-TECH did not test the titanium tubing for microstructure irregularities, and falsified the test results on the certificates of conformance by falsely stating that the test had been performed and there were no microstructure irregularities.

41. Employees of defendant ANCO-TECH violated the applicable laboratory protocol for tests relating to the mechanical and chemical properties of the titanium tubing by

routinely testing more than the permitted number of samples until they could obtain an acceptable sample.

42. Employees of defendant ANCO-TECH did not comply with the applicable inspection procedures, and did not complete and falsified the required inspection documents.

43. Employees of defendant ANCO-TECH did not comply with the applicable procedures regarding the identification, segregation, and handling of non-conforming tubing.

44. Defendants ANDREW MALISZEWSKI and ALAN MALISZEWSKI directed employees of defendant ANCO-TECH to ship titanium tubing that did not conform to the applicable specifications regarding chemical composition, dimension, strength and/or other physical and mechanical properties.

45. At the direction of defendants ANDREW MALISZEWSKI and ALAN MALISZEWSKI, employees of defendant ANCO-TECH used excess tubing from stock for previous orders to fill orders for subsequent contracts, fraudulently remarked the tubing to make it appear that it had been manufactured for the subsequent contract, and certified that it had been made for the subsequent contract, in violation of the V-22 and industry specifications.

46. At the direction of defendants ANDREW MALISZEWSKI and ALAN MALISZEWSKI, employees of defendant ANCO-TECH reworked excess tubing from stock to fill orders for tubing subject to different specifications, in violation of the V-22 and industry specifications.

47. Defendants ANDREW MALISZEWSKI and ALAN MALISZEWSKI knew of each of the fraudulent practices identified above, condoned them, and authorized them either explicitly or implicitly.

48. The actions of defendants ANCO-TECH, ANDREW MALISZEWSKI, and ALAN MALISZEWSKI caused titanium tubing that had not been manufactured, tested and/or inspected in conformance with the applicable specifications, and/or that did not conform to the specifications regarding chemical composition, dimension, strength and/or other physical and mechanical properties, but had been falsely certified as conforming to all applicable specifications, to be sold to Boeing and Bell either directly or through TW Metals and Future Metals.

49. The actions of defendants ANCO-TECH, ANDREW MALISZEWSKI, and ALAN MALISZEWSKI caused titanium tubing that had not been manufactured, tested and inspected in conformance with the applicable specifications, but had been falsely certified as conforming to all applicable specifications, to be sold to end-users in the civilian aerospace industry directly and through TW Metals and other suppliers.

50. The actions of defendants ANCO-TECH, ANDREW MALISZEWSKI, and ALAN MALISZEWSKI caused purchasers of ANCO-TECH titanium tubing, including TW Metals and Future Metals, to send payments for shipments of titanium tubing to ANCO-TECH via the United States mail.

51. The actions of defendants ANCO-TECH, ANDREW MALISZEWSKI, and ALAN MALISZEWSKI caused Boeing and Bell to install in V-22 Osprey aircraft ANCO-TECH titanium tubing that had not been manufactured, tested and/or inspected in conformance with the applicable specifications, and/or that did not conform to the specifications regarding chemical composition, dimension, strength and/or other physical and mechanical properties.

**HEAT LOT 4HN4309 (V-22 Application)**

52. On or about October 9, 1995, employees of defendant ANCO-TECH failed to account for all pieces and feet of tubing manufactured pursuant to the V-22 specifications as part of heat lot 4HN4309, in that they failed to reconcile the number of rejected, accepted and scrapped pieces and feet of tubing before shipment to Future Metals.

53. On or about October 10, 1995, defendant ANDREW MALISZEWSKI signed a certificate of conformance for 84 pieces, 1,008 feet, of titanium tubing from heat lot 4HN4309, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required testing had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificate of conformance to be delivered to Future Metals.

54. Between on or about March 23, 1996, and on or about June 22, 1996, employees of defendant ANCO-TECH placed in the mill depot as excess storage 25 pieces, 280 feet, 8 inches, of tubing from heat lot 4HN4309.

55. On or about March 27, 1997, defendant ANDREW MALISZEWSKI signed a certificate of conformance for 42 pieces, 467 feet, of titanium tubing from heat lot 4HN4309, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required testing had not been performed, and knowing that the quantity and footage shipped exceeded the amount of tubing that was inspected, and exceeded the amount of excess tubing placed in the ANCO-TECH mill depot, and caused the tubing and the false certificate of conformance to be delivered to Future Metals.



56. On or about April 1, 1997, as a result of the false certificate of conformance, Future Metals accepted titanium tubing from heat lot 4HN4309.
57. On or about June 11, 1997, as a result of the false certificate of conformance, Future Metals shipped to Bell titanium tubing from heat lot 4HN4309.
58. On or about August 17, 1997, as a result of the false certificate of conformance, Bell manufactured part no. 901081-334-101 from tubing from heat lot 4HN4309.
59. On or about September 13, 1999, as a result of the false certificate of conformance, Bell installed part no. 901081-334-101 in the engine nacelle hydraulic system of V-22 Osprey aircraft no.18.
60. On or about August 21, 2000, as a result of the false certificate of conformance, the Department of Defense accepted V-22 Osprey aircraft no. 18.

**HEAT LOT 4HN4309 (Civilian Aerospace Application)**

61. Defendant ANCO-TECH processed together as heat lot 4HN4309 titanium tubing manufactured for use in the V-22 Osprey pursuant to the V-22 specifications, and tubing for use in civilian aircraft of a different dimension pursuant to the industry specifications.
62. On or about October 25, 1995, employees of defendant ANCO-TECH failed to complete the required inspection paperwork.
63. On or about November 11, 1995, employees of defendant ANCO-TECH failed to account for all pieces and feet of tubing manufactured pursuant to the industry specifications as heat lot 4HN4309, in that they failed to reconcile the number of rejected, accepted and scrapped pieces and feet of tubing before shipment to customer Bombardier Aerospace.

64. On or about November 21, 1995, at the direction of defendant ANDREW MALISZEWSKI, Elaine Slomsky signed a certificate of conformance for titanium tubing manufactured for use in civilian aircraft as part of heat lot 4HN4309, which falsely certified that the material conformed to AMS 4945A, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificate of conformance to be delivered to Bombardier Aerospace in Montreal, Canada and Downsview, Ontario.

65. On or after November 22, 1995, as a result of the false certification, Bombardier Aerospace accepted for use in the Global Express business jet titanium tubing from heat lot 4HN4309.

**HEAT LOT 4HS5094 (V-22 Application)**

A. Delivery of Tubes to Boeing

66. On or about January 10, 1997, employees of defendant ANCO-TECH failed to test the hydrogen content of titanium tubing manufactured as heat lot 4HS5094, and falsified the test results on the certificate of conformance.

67. On or about January 21, 1997, at the direction of defendant ANDREW MALISZEWSKI, Elaine Slomsky signed a certificate of conformance for titanium tubing from heat lot 4HS5094, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that the required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to Tubesales.

68. On or about March 31, 1997, as a result of the false certificate of

conformance, Tubesales accepted titanium tubing from heat lot 4HS5094.

69. On or about June 6, 1997, as a result of the false certificate of conformance, Boeing accepted for use in V-22 Osprey aircraft titanium tubing from heat lot 4HS5094.

70. From in or about June 1997 through in or about December 1997, Boeing accepted various amounts of titanium tubing from heat lot 4HS5094.

B. Delivery of Tubes to Bell

71. On or about March 27, 1997, defendant ANDREW MALISZEWSKI signed a certificate of conformance for titanium tubing from heat lot 4HS5094, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to Future Metals.

72. On or about April 1, 1997, as a result of the false certificate of conformance, Future Metals accepted titanium tubing from heat lot 4HS5094, and delivered to Bell titanium tubing from heat lot 4HS5094, and Bell accepted the tubing for use in the V-22 Osprey aircraft.

**HEAT LOT 4HS5104 (V-22 Application)**

A. Delivery of Tubes to Boeing

73. On or about January 20, 1997, employees of defendant ANCO-TECH failed to test the hydrogen content of titanium tubing manufactured as heat lot 4HS5104, and falsified the test results on the certificate of conformance.

74. On or about January 21, 1997, at the direction of defendant ANDREW MALISZEWSKI, Elaine Slomsky signed a certificate of conformance for titanium tubing from heat lot 4HS5104, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that the required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to Tubesales.

75. On or about March 31, 1997, as a result of the false certificate of conformance, Tubesales accepted titanium tubing from heat lot 4HS5104.

76. On or about June 6, 1997, as a result of the false certificate of conformance, Boeing accepted for use in the V-22 Osprey aircraft titanium tubing from heat lot 4HS5104.

77. From in or about June 1997 through in or about December 1997, Boeing accepted various amounts of titanium tubing from heat lot 4HS5104.

B. Delivery of Tubes to Bell

78. On or about March 27, 1997, defendant ANDREW MALISZEWSKI signed a certificate of conformance for titanium tubing from heat lot 4HS5104, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to Future Metals.

79. On or about April 1, 1997, as a result of the false certificate of conformance, Future Metals accepted titanium tubing from heat lot 4HS5104.

80. On or about June 11, 1997, as a result of the false certificate of conformance, Future Metals delivered to Bell titanium tubing from heat lot 4HS5104, and Bell accepted the tubing for use in the V-22 Osprey aircraft.

**HEAT LOT 4HS5149 (V-22 Application)**

A. Delivery of Tubes to Boeing

81. On or about February 7, 1997, employees of defendant ANCO-TECH failed to test the hydrogen content of titanium tubing manufactured as heat lot 4HS5149, and falsified the test results on the certificate of conformance.

82. On or about February 18, 1997, defendant ANDREW MALISZEWSKI signed a certificate of conformance for titanium tubing from heat lot 4HS5149, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to Tubesales.

83. On or about March 31, 1997, as a result of the false certificate of conformance, Tubesales accepted titanium tubing from heat lot 4HS5149.

84. On or about June 6, 1997, as a result of the false certificate of conformance, Boeing accepted for use in V-22 Osprey aircraft titanium tubing from heat lot 4HS5149.

85. From in or about June 1997 through in or about October 1998, Tubesales delivered to Boeing various amounts of tubing from heat lot 4HS5149.

B. Delivery of Tubes to Bell

86. On or about March 27, 1997, defendant ANDREW MALISZEWSKI signed a certificate of conformance for titanium tubing from heat lot 4HS5149, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to Future Metals.

87. On or about April 1, 1997, as a result of the false certificate of conformance, Future Metals accepted titanium tubing from heat lot 4HS5149.

88. On or about June 11, 1997, as a result of the false certificate of conformance, Future Metals delivered to Bell titanium tubing from heat lot 4HS5149, and Bell accepted the tubing for use in the V-22 Osprey aircraft.

**HEAT LOT 4HT5302 (V-22 Application)**

89. On or about May 9, 1997, employees of defendant ANCO-TECH failed to test the hydrogen content of titanium tubing manufactured as heat lot 4HT5302, and falsified the test results on the certificate of conformance.

90. On or about May 12, 1997, defendant ANDREW MALISZEWSKI signed a certificate of conformance for titanium tubing from heat lot 4HT5302, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to Future Metals.

91. On or about May 20, 1997, as a result of the false certificate of

conformance, Future Metals accepted titanium tubing from heat lot 4HT5302.

92. On or about November 30, 1997, as a result of the false certificate of conformance, Future Metals delivered to Bell titanium tubing from heat lot 4HT5302, and Bell accepted the tubing for use in the V-22 Osprey aircraft.

**HEAT LOT 4HT5302 (Civilian Aerospace Application)**

93. On or about May 27, 1997, at the direction of defendant ANDREW MALISZEWSKI, Elaine Slomsky signed a certificate of conformance for titanium tubing from heat lot 4HT5302, which falsely certified that the material had been manufactured and inspected in accordance with industry specifications, and that it conformed to the specifications, knowing that required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to Tubesales's facility in Wichita, Kansas.

94. On or about June 2, 1997, in reliance on the false certificate of conformance, Tubesales accepted titanium tubing from heat lot 4HT5302.

95. From in or about July 1997 through in or about October 1997, in reliance on the false certificate of conformance, Tubesales shipped to Cessna Aircraft in Wichita, Kansas, titanium tubing from heat lot 4HT5302, and Cessna Aircraft accepted the titanium tubing for use in civilian aircraft based upon the false certificate of conformance.

**HEAT LOT 4HY5759 (V-22 Application)**

96. On or about February 19, 1998, employees of defendant ANCO-TECH failed to test the hydrogen content of titanium tubing manufactured as heat lot 4HY5759, and falsified the test results on the certificate of conformance.

97. On or about February 24, 1998, defendant ANDREW MALISZEWSKI

signed a certificate of conformance for titanium tubing from heat lot 4HY5759, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to Bell.

98. On or about March 6, 1998, as a result of the false certificate of conformance, Bell accepted for use in V-22 Osprey aircraft titanium tubing from heat lot 4HY5759.

**HEAT LOT 4DA6172 (Civilian Aerospace Application)**

99. On or about October 30, 1998, employees of defendant ANCO-TECH failed to test the hydrogen content of titanium tubing manufactured pursuant to industry specifications as heat lot 4DA6172, and falsified the test results on the certificate of conformance.

100. On or about November 13, 1998, at the direction of defendant ANDREW MALISZEWSKI, Elaine Slomsky signed a certificate of conformance for titanium tubing from heat lot 4DA6172, which falsely certified that the material conformed to AMS 4945A, knowing that required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to TW Metals in Los Angeles, California.

101. On or about November 19, 1998, as a result of the false certificate of conformance, TW Metals accepted titanium tubing from heat lot 4DA6172.

102. On or about January 18, 2002, as a result of the false certificate of conformance, TW Metals shipped to Falcon Aerospace in Davie, Florida, titanium tubing from



heat lot 4DA6172, and Falcon Aerospace accepted the titanium tubing for use in civilian aircraft based upon the false certificate of conformance.

**HEAT LOT 4HZ6172 (Civilian Aerospace Application)**

103. On or about November 4, 1998, employees of defendant ANCO-TECH failed to test the hydrogen content of titanium tubing manufactured pursuant to industry specifications as heat lot 4HZ6172, and falsified the test results on the certificate of conformance.

104. On or about November 6, 1998: a) employees of defendant ANCO-TECH entered on the certificate of conformance fictitious results for laboratory tests that had not yet been performed, but were conducted only after the tubing had been certified and shipped to TW Metals; and b) Elaine Slomsky, acting at the direction of defendant ANDREW MALISZEWSKI, signed the certificate of conformance for titanium tubing from heat lot 4HZ6172, which falsely certified that the material conformed to AMS 4945A, knowing that required chemical testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to TW Metals in Los Angeles, California.

105. On or about November 11, 1998, as a result of the false certificate of conformance, TW Metals accepted titanium tubing from heat lot 4HZ6172.

106. On or about September 30, 1999, as a result of the false certificate of conformance, TW Metals shipped to Agusta Aerospace Corp. (“Agusta Aerospace”) in Philadelphia, Pennsylvania, titanium tubing from heat lot 4HZ6172.

107. On or about October 6, 1999, as a result of the false certificate of conformance, Agusta Aerospace accepted for use in civilian aircraft titanium tubing from heat lot

4HZ6172.

**HEAT LOT 4DA6321 (V-22 Application)**

108. On or about February 23, 1999, employees of defendant ANCO-TECH failed to conduct the required hydrogen and microstructure tests on titanium tubing manufactured as heat lot 4DA6321, and falsified the test results on the certificate of conformance.

109. On or about February 25, 1999, defendant ANDREW MALISZEWSKI signed a certificate of conformance for titanium tubing from heat lot 4DA6321, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required chemical composition testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to TW Metals.

110. On or about March 3, 1999, as a result of the false certificate of conformance, TW Metals accepted titanium tubing from heat lot 4DA6321.

111. On or about March 24, 1999, as a result of the false certificate of conformance, Boeing accepted for use in V-22 Osprey aircraft titanium tubing from heat lot 4DA6321.

112. From in or about March 1999 through in or about October 2000, TW Metals delivered to Boeing various amounts of titanium tubing from heat lot 4DA6321.

**HEAT LOT 4EM6687 (Civilian Aerospace Application)**

113. On or about February 1, 2000: a) employees of defendant ANCO-TECH failed to conduct the required hydrogen and microstructure tests on titanium tubing manufactured pursuant to industry specifications as heat lot 4EM6687, and falsified the test results on the

certificate of conformance; b) employees of defendant ANCO-TECH entered on the certificate of conformance fictitious results for other laboratory tests that had not been performed, and were only performed after the tubing had been certified and shipped to TW Metals; and c) Elaine Slomsky, acting at the direction of defendant ANDREW MALISZEWSKI, signed a certificate of conformance for titanium tubing from heat lot 4EM6687, which falsely certified that the material conformed to AMS 4944E, knowing that required testing had not been performed, and caused the tubing and the false certificate of conformance to be delivered to TW Metals in Forrest Park, Georgia.

114. Between on or about February 1, 2000, and on or about February 29, 2000, as a result of the false certificate of conformance: a) TW Metals accepted titanium tubing from heat lot 4EM6687; b) TW Metals shipped to Agusta Aerospace in Philadelphia, Pennsylvania, titanium tubing from heat lot 4EM6687; and c) Agusta Aerospace accepted the titanium tubing for use in aircraft.

**HEAT LOT 4EK6697 (Civilian Aerospace Application)**

115. On or about February 8, 2000, employees of defendant ANCO-TECH failed to conduct the required hydrogen and microstructure tests on titanium tubing manufactured pursuant to industry specifications as heat lot 4EK6697, and falsified the test results on the certificate of conformance.

116. On or about February 11, 2000, at the direction of defendant ANDREW MALISZEWSKI, Elaine Slomsky signed a certificate of conformance for titanium tubing from heat lot 4EK6697, which falsely certified that the material conformed to AMS 4944E, knowing that required testing had not been performed, and caused the tubing and the false certificate of

conformance to be delivered to the TW Metals facility in Forrest Park, Georgia.

117. Between on or about February 11, 2000, and on or about February 25, 2000, in reliance on the false certificate of conformance: a) TW Metals accepted titanium tubing from heat lot 4EK6697; b) TW Metals shipped to Agusta Aerospace in Philadelphia, Pennsylvania, titanium tubing from heat lot 4EK46697; and 3) Agusta Aerospace accepted the titanium tubing for use in aircraft.

**HEAT LOT 4DC6783**

118. Overt Acts 1 through 8 of Count Eight are incorporated here.

**HEAT LOT 4DC7009**

119. Overt Acts 9 through 15 of Count Eight are incorporated here.

**HEAT LOT 4DC7182**

120. Overt Acts 16 through 23 of Count Eight are incorporated here.

**HEAT LOT 4DE7337**

121. Overt Acts 24 through 31 of Count Eight are incorporated here.

**HEAT LOT 4DK7443**

122. Overt Acts 32 through 39 of Count Eight are incorporated here.

**HEAT LOT 4DK7607**

123. Overt Acts 40 through 48 of Count Eight are incorporated here.

**HEAT LOT 4DK7604**

124. Overt Acts 49 through 57 of Count Eight are incorporated here.

125. On or about the dates listed below, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC.,  
ANDREW MALISZEWSKI, and  
ALAN MALISZEWSKI,**

for the purpose of executing this scheme, and attempting to do so, knowingly caused to be delivered by United States mail, from TW Metals, Suite 204, 760 Constitution Drive, Exton, Pennsylvania, 19341, to ANCO-TECH, INC., 2525 South Beech-Daly Road, Dearborn Heights, Michigan, 48125, checks in the amounts listed below, representing payment for the heat lots of titanium tubing identified below, which were manufactured by defendant ANCO-TECH for use in V-22 Osprey aircraft, and purchased by TW Metals, each mailing constituting a separate count:

Count	Date of Mailing	Amount of Check	Heat Lot
1.	June 8, 2000	\$23,246.23	4DC6783
2.	November 30, 2000	\$13,410.00	4DC7009
3.	April 19, 2001	\$19,916.29	4DC7182
4.	September 27, 2001	\$17,178.06	4DE7337
5.	November 1, 2001	\$6,971.45	4DK7443
6.	December 27, 2001	\$20,225.35	4DK7443
7.	March 7, 2002	\$13,838.47	4DK7607, 4DK7604

All in violation of Title 18, United States Code, Section 1341.

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 33 of Counts One through Seven are realleged here.

**THE CONSPIRACY**

2. From in or April 2000 through in or about February 2002, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC.,  
ANDREW MALISZEWSKI, and  
ALAN MALISZEWSKI**

conspired and agreed, together and with others known and unknown to the grand jury, knowingly and with the intent to defraud, to make materially fraudulent representations concerning aircraft parts, that is, titanium tubing manufactured for use in V-22 Osprey aircraft and civilian aircraft, and to make and use materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications, that is, false certificates of conformance, concerning the aviation-quality of titanium tubing that was manufactured and sold for use in V-22 Osprey aircraft and civilian aircraft, and that was installed in V-22 Osprey aircraft, in violation of Title 18, United States Code, Section 38(a)(1)(B), (a)(1)(C), (b)(1) and (b)(4).

**MANNER AND MEANS**

It was part of the conspiracy that:

3. Paragraphs 35 through 51 of Counts One through Seven are realleged here.

**OVERT ACTS**

In furtherance of the conspiracy, defendants ANCO-TECH, ANDREW MALISZEWSKI, and ALAN MALISZEWSKI, and others known and unknown to the grand

jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere.

**HEAT LOT 4DC6783 (V-22 Application)**

1. On or about April 12, 2000, employees of defendant ANCO-TECH, having failed to test the hydrogen content of titanium tubing manufactured as heat lot 4DC6783, falsified the test results on the certificate of conformance.

2. On or about April 12, 2000, employees of defendant ANCO-TECH, having failed to test titanium tubing from heat lot 4DC6783 for microstructure irregularities, falsely recorded on the certificate of conformance that such testing had been performed and was acceptable.

3. On or about April 13, 2000, employees of defendant ANCO-TECH failed to conduct the required final inspection, including dimensional testing, on all tubing from heat lot 4DC6783, and failed to complete the required inspection paperwork.

4. On or about April 14, 2000, employees of defendant ANCO-TECH failed to account for all pieces and feet of tubing manufactured as heat lot 4DC6783, in that they failed to reconcile the number of rejected, accepted and scrapped pieces and feet of tubing before shipment to TW Metals.

5. On or about April 19, 2000, at the direction of defendant ANDREW MALISZEWSKI, Elaine Slomsky signed two certificates of conformance for titanium tubing from heat lot 4DC6783, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificate of conformance to be delivered to

TW Metals.

6. On or about April 26, 2000, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to accept titanium tubing from heat lot 4DC6783.

7. On or about May 18, 2000, defendant ANCO-TECH, through its false certificates of conformance, caused Boeing to accept for use in V-22 Osprey aircraft titanium tubing from heat lot 4DC6783.

8. From in or about June 2000 through in or about October 2000, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to deliver to Boeing various amounts of titanium tubing from heat lot 4DC6783.

**HEAT LOT 4DC7009 (V-22 Application)**

9. On or about October 10, 2000, employees of defendant ANCO-TECH, having failed to test the hydrogen content of titanium tubing manufactured as heat lot 4DC7009, falsified the test results on the certificate of conformance.

10. On or about October 10, 2000, employees of defendant ANCO-TECH, having failed to test titanium tubing from heat lot 4DC7009 for microstructure irregularities, falsely recorded on the certificate of conformance that such testing had been performed and was acceptable.

11. On or about October 10, 2000, employees of defendant ANCO-TECH failed to complete, and falsified, the required inspection paperwork.

12. On or about October 11, 2000, at the direction of defendant ALAN MALISZEWSKI, Elaine Slomsky signed a certificate of conformance for 99 pieces, 1,188 feet, of titanium tubing from heat lot 4DC7009, which falsely certified that the material had been



manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificate of conformance to be delivered to TW Metals.

13. On or about October 19, 2000, defendant ANCO-TECH, through its false certificate of conformance, caused TW Metals to accept titanium tubing from heat lot 4DC7009.

14. On or about November 3, 2000, defendant ANCO-TECH, through its false certificate of conformance, caused Boeing to accept for use in V-22 Osprey aircraft titanium tubing from heat lot 4DC7009.

15. From in or about November 2000 through in or about October 2001, defendant ANCO-TECH, through its false certificate of conformance, caused TW Metals to deliver to Boeing various amounts of titanium tubing from heat lot 4DC7009.

**HEAT LOT 4DC7182 (V-22 Application)**

16. On or about February 27, 2001, employees of defendant ANCO-TECH, having failed to test the hydrogen content of titanium tubing manufactured as heat lot 4DC7182, falsified the test results on the certificate of conformance.

17. On or about February 27, 2001, employees of defendant ANCO-TECH, having failed to test titanium tubing from heat lot 4DC7182 for microstructure irregularities, falsely recorded on the certificate of conformance that such testing had been performed and was acceptable.

18. On or about February 27, 2001, employees of defendant ANCO-TECH failed to conduct the required final inspection, including dimensional testing, on all tubing from

heat lot 4DC7182, and failed to complete the required inspection paperwork.

19. On or about February 28, 2001, at the direction of defendant ALAN MALISZEWSKI, Elaine Slomsky signed a certificate of conformance for 36 pieces, 432 feet, of titanium tubing from heat lot 4DC7182, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificate of conformance to be delivered to TW Metals.

20. On or about March 5, 2001, at the direction of defendant ALAN MALISZEWSKI, Elaine Slomsky signed two additional certificates of conformance for titanium tubing from heat lot 4DC7182, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificates of conformance to be delivered to TW Metals.

21. On or about March 6, 2001, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to accept titanium tubing from heat lot 4DC7182.

22. On or about March 30, 2001, defendant ANCO-TECH, through its false certificates of conformance, caused Boeing to accept for use in V-22 Osprey aircraft titanium tubing from heat lot 4DC7182.

23. From in or about April 2001 through in or about December 2001, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to

deliver to Boeing various amounts of titanium tubing from heat lot 4DC7182.

**HEAT LOT 4DE7337 (V-22 Application)**

24. On or about June 26, 2001, employees of defendant ANCO-TECH, having failed to test the hydrogen content of titanium tubing manufactured as heat lot 4DE7337, falsified the test results on the certificate of conformance.

25. On or about June 26, 2001, employees of defendant ANCO-TECH, having failed to test titanium tubing from heat lot 4DE7337 for microstructure irregularities, falsely recorded on the certificate of conformance that such testing had been performed and was acceptable.

26. On or about June 26, 2001, employees of defendant ANCO-TECH, having failed to conduct the required final inspection, including dimensional testing, on all tubing from heat lot 4DE7337, failed to complete the required inspection paperwork.

27. On or about June 26, 2001, employees of defendant ANCO-TECH failed to account for all pieces and feet of tubing from heat lot 4DE7337, in that they failed to reconcile the number of rejected, accepted, and scrapped pieces and feet of tubing before shipment to TW Metals.

28. On or about June 28, 2001, defendant ALAN MALISZEWSKI signed three certificates of conformance for titanium tubing from heat lot 4DE7337, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificates of conformance to be delivered to TW Metals.

29. On or about July 10, 2001, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to accept titanium tubing from heat lot 4DE7337.

30. On or about July 31, 2001, defendant ANCO-TECH, through its false certificates of conformance, caused Boeing to accept for use in V-22 Osprey aircraft titanium tubing from heat lot 4DE7337.

31. From in or about July 2001 through in or about May 2002, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to deliver to Boeing various amounts of titanium tubing from heat lot 4DE7337.

**HEAT LOT 4DK7443 (V-22 Application)**

32. On or about September 7, 2001, employees of defendant ANCO-TECH, having failed to test the hydrogen content of titanium tubing manufactured as heat lot 4DK7443, falsified the test results on the certificate of conformance.

33. On or about September 7, 2001, employees of defendant ANCO-TECH, having failed to test titanium tubing from heat lot 4DK7443 for microstructure irregularities, falsely recorded on the certificate of conformance that such testing had been performed and was acceptable.

34. On or about September 11, 2001, employees of defendant ANCO-TECH, having failed to conduct the required final inspection, including dimensional testing, on all tubing from heat lot 4DK7443, failed to complete the required inspection paperwork.

35. On or about September 11, 2001, employees of defendant ANCO-TECH failed to account for all pieces and feet of tubing manufactured as heat lot 4DK7443, in that they failed to reconcile the number of rejected, accepted, and scrapped pieces and feet of tubing

before shipment to TW Metals.

36. On or about September 14, 2001, defendant ALAN MALISZEWSKI signed three certificates of conformance for titanium tubing from heat lot 4DK7443, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificates of conformance to be delivered to TW Metals.

37. On or about September 19, 2001, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to accept titanium tubing from heat lot 4DK7443.

38. On or about October 17, 2001, defendant ANCO-TECH, through its false certificates of conformance, caused Boeing to accept for use in V-22 Osprey aircraft titanium tubing from heat lot 4DK7443.

39. From in or about October 2001 through in or about August 2002, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to deliver to Boeing various amounts of titanium tubing from heat lot 4DK7443.

**HEAT LOT 4DK7607 (V-22 Application)**

40. On or about January 22, 2002, employees of defendant ANCO-TECH, having failed to test the hydrogen content of titanium tubing manufactured as heat lot 4DK7607, falsified the test results on the certificate of conformance.

41. On or about January 22, 2002, employees of defendant ANCO-TECH, having failed to test titanium tubing from heat lot 4DK7607 for microstructure irregularities,

falsely recorded on the certificate of conformance that such testing had been performed and was acceptable.

42. On or about January 22, 2002, employees of defendant ANCO-TECH, having failed to conduct the required final inspection, including dimensional testing, on all tubing from heat lot 4DK7607, failed to complete the required inspection paperwork.

43. On or about January 22, 2002, employees of defendant ANCO-TECH failed to account for all pieces and feet of tubing manufactured as heat lot 4DK7607, in that they failed to reconcile the number of rejected, accepted, and scrapped pieces and feet of tubing before shipment to TW Metals.

44. On or about January 23, 2002, defendant ALAN MALISZEWSKI signed a certificate of conformance for 30 pieces, 360 feet of titanium tubing from heat lot 4DK7607, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificate of conformance to be delivered to TW Metals.

45. On or about January 25, 2002, defendant ANCO-TECH, through its false certificate of conformance, caused TW Metals to accept titanium tubing from heat lot 4DK7607.

46. On or about February 4, 2002, defendant ALAN MALISZEWSKI signed two additional certificates of conformance for titanium tubing from heat lot 4DK7607, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing

and the false certificates of conformance to be delivered to TW Metals.

47. On or about February 22, 2002, defendant ANCO-TECH, through its false certificates of conformance, caused Boeing to accept for use in V-22 Osprey aircraft titanium tubing from heat lot 4DK7607.

48. From in or about February 2002 through in or about July 2002, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to deliver to Boeing various amounts of titanium tubing from heat lot 4DK7607.

**HEAT LOT 4DK7604 (V-22 Application)**

49. On or about January 17, 2002, employees of defendant ANCO-TECH, having failed to test the hydrogen content of titanium tubing manufactured as heat lot 4DK7604, falsified the test results on the certificate of conformance.

50. On or about January 17, 2002, employees of defendant ANCO-TECH, having failed to test the titanium tubing from heat lot 4DK7604 for microstructure irregularities, falsely recorded on the certificate of conformance that such testing had been performed and was acceptable.

51. On or about January 22, 2002, employees of defendant ANCO-TECH failed to account for all pieces and feet of tubing manufactured as heat lot 4DK7604, in that they failed to reconcile the number of rejected, accepted, and scrapped pieces and feet of tubing before shipment to TW Metals.

52. On or about January 23, 2002, defendant ALAN MALISZEWSKI signed a certificate of conformance for 165 pieces, 1,980 feet, of titanium tubing from heat lot 4DK7604, which falsely certified that the material had been manufactured and inspected in accordance with

the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificate of conformance to be delivered to TW Metals.

53. On or about January 28, 2002, defendant ANCO-TECH, through its false certificate of conformance, caused TW Metals to accept titanium tubing from heat lot 4DK7604.

54. On or about February 4, 2002, defendant ALAN MALISZEWSKI signed two additional certificates of conformance for titanium tubing from heat lot 4DK7604, which falsely certified that the material had been manufactured and inspected in accordance with the V-22 specifications, and that it conformed to the specifications, knowing that required tests had not been performed and required inspection procedures had not been followed, and caused the tubing and the false certificates of conformance to be delivered to TW Metals.

55. On or about February 22, 2002, defendant ANCO-TECH, through its false certificates of conformance, caused Boeing to accept for use in V-22 Osprey aircraft titanium tubing from heat lot 4DK7604.

56. From in or about March 2002 through in or about June 2002, defendant ANCO-TECH, through its false certificates of conformance, caused TW Metals to deliver to Boeing various amounts of titanium tubing from heat lot 4DK7604.

57. As a result of the fraudulent actions of defendants ANCO-TECH and ALAN MALISZEWSKI, titanium tubing from heat lot 4DK7604 that had not been manufactured, tested and/or inspected in conformance with the applicable specifications, but had



been falsely certified as conforming to all applicable specifications, was installed in approximately 14 V-22 Osprey aircraft.

All in violation of Title 18, United States Code, Section 38(a)(3), (b)(1).

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 29 and 32 of Count Ones through Seven, and Overt Acts 9 through 12 of Count Eight are realleged here.

2. On or about October 11, 2000, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 99 pieces, 1,188 feet, of titanium tubing manufactured as heat lot 4DC7009 and sold to TW Metals for use in V-22 Osprey aircraft.

In violation of Title 18, United States Code, Sections 38(a)(1)(C), (b)(1), and 2.

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 29 and 32 of Counts One through Seven, and Overt Acts 16 through 19 of Count Eight are realleged here.

2. On or about February 28, 2001, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 36 pieces, 432 feet, of titanium tubing manufactured as heat lot 4DC7182 and sold to TW Metals for use in V-22 Osprey aircraft

In violation of Title 18, United States Code, Sections 38(a)(1)(C), (b)(1), and 2.

**COUNT ELEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 29 and 32 of Counts One through Seven, and Overt Acts 24 through 28 of Count Eight are realleged here.

2. On or about June 28, 2001, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 134 pieces, 1,608 feet, of titanium tubing manufactured as heat lot 4DE7337 and sold to TW Metals for use in V-22 Osprey aircraft.

In violation of Title 18, United States Code, Sections 38(a)(1)(C), (b)(1), and 2.

**COUNT TWELVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 29 and 32 of Counts One through Seven, and Overt Acts 24 through 28 of Count Eight are realleged here.

2. On or about June 28, 2001, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 28 pieces, 255 feet, 8 inches, of titanium tubing manufactured as heat lot 4DE7337 and sold to TW Metals for use in V-22 Osprey aircraft.

In violation of Title 18, United States Code, Sections 38(a)(1)(C), (b)(1), and 2.

**COUNT THIRTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 29 and 32 of Counts One through Seven, and Overt Acts 24 through 28 of Count Eight are realleged here.

2. On or about June 28, 2001, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 25 pieces, 83 feet, 2 inches, of titanium tubing manufactured as heat lot 4DE7337 and sold to TW Metals for use in V-22 Osprey aircraft.

In violation of Title 18, United States Code, Sections 38(a)(1)(C), (b)(1), and 2.

**COUNT FOURTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 29 and 32 of Counts One through Seven, and Overt Acts 32 through 36 of Count Eight are realleged here.

2. On or about September 14, 2001, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 89 pieces, 1,068 feet, of titanium tubing manufactured as heat lot 4DK7443 and sold to TW Metals for use in V-22 Osprey aircraft.

In violation of Title 18, United States Code, Sections 38(a)(1)(C), (b)(1), and 2.

**COUNT FIFTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 29 and 32 of Counts One through Seven, and Overt Acts 32 through 36 of Count Eight are realleged here.

2. On or about September 14, 2001, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 23 pieces, 96 feet, 9 inches, of titanium tubing manufactured as heat lot 4DK7443 and sold to TW Metals for use in V-22 Osprey aircraft.

In violation of Title 18, United States Code, Sections 38(a)(1)(C), (b)(1), and 2.



**COUNT SIXTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 29 and 32 of Counts One through Seven, and Overt Acts 32 through 36 of Count Eight are realleged here.

2. On or about September 14, 2001, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 54 pieces, 432 feet, 8 inches, of titanium tubing manufactured as heat lot 4DK7443 and sold to TW Metals for use in V-22 Osprey aircraft.

In violation of Title 18, United States Code, Sections 38(a)(1)(C), (b)(1), and 2.

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**COUNT SEVENTEEN**

1. Paragraphs 1 through 29 and 32 of Counts One through Seven, and Overt Acts 40 through 44 of Count Eight are realleged here.

2. On or about January 23, 2002, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 30 pieces, 360 feet, of titanium tubing manufactured as heat lot 4DK7607 and sold to TW Metals for use in V-22 Osprey aircraft.

In violation of Title 18, United States Code, Sections 38(a)(1)(C), 38(b)(1), and 2.

**COUNT EIGHTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 29 and 32 of Counts One through Seven, and Overt Acts 49 through 52 of Count Eight are realleged here.

2. On or about January 23, 2002, in the Eastern District of Pennsylvania and elsewhere, defendants

**ANCO-TECH, INC., and  
ALAN MALISZEWSKI**

knowingly made and used, and aided and abetted and willfully caused the making and use of, materially false writings, entries, certifications, documents, records, data plates, labels, and electronic communications concerning aircraft parts, that is, a false certificate of conformance for 165 pieces, 1,980 feet, of titanium tubing manufactured as heat lot 4DK7604 and sold to TW Metals for use in V-22 Osprey aircraft.

In violation of Title 18, United States Code, Sections 38(a)(1)(C), 38(b)(1), and 2.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**