

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : Criminal No.:

v.

Filed
09 CRIM 352

STEPHEN E. McANULTY, : Violation: 18 U.S.C. § 1001

Defendant.

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INFORMATION

The United States of America, acting through its attorneys, charges:

1. Stephen E. McAnulty ("McAnulty") is hereby made a defendant on the charge stated below.

FALSE STATEMENT
(18 U.S.C. § 1001)

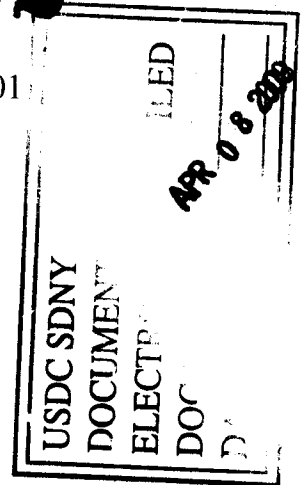
I. THE RELEVANT PARTIES AND ENTITIES

During the period covered by this Information:

2. McAnulty resided in Brooklyn, New York, and was the owner of "Company-1", located in New York, New York. Company-1 provided asbestos monitoring services to the Facilities Operations and Engineering Department of New York Presbyterian Hospital ("NYPH").

3. "Company-2" was located in New York, New York and provided asbestos

JUDGE PATTERSON



removal services to NYPH. The owner of Company-2 controlled Company-1.

4. The New York City Department of Environmental Protection required that any asbestos monitoring company be completely independent of any asbestos removal company that was working on the same asbestos abatement project. In order to make it appear that Company-1 and Company-2 were independent, the owner of Company-2 installed McAnulty as the owner of Company-1.

5. NYPH had two locations which operated its own Facilities Operations and Engineering Department. The “downtown” engineering department is located at 525 East 68 Street, New York, New York, and the “uptown” engineering department is located at 627 West 165 Street, New York, New York. Senior purchasing officials in the uptown location at NYPH were aware that the owner of Company-2 controlled Company-1.

6. Whenever in this Count reference is made to any act, deed, or transaction of any corporation, such allegation shall be deemed to mean that the corporation engaged in such act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

II. DESCRIPTION OF THE OFFENSE

7. From at least as early as 1999 until at least July 2001, McAnulty was aware that Company-2 paid kickbacks to a purchasing official in NYPH’s uptown engineering department in return for asbestos monitoring and asbestos removal contracts to be awarded to Company-1 and Company-2, respectively. At the direction of the owner of

Company-2, McAnulty negotiated the amount of the kickbacks on behalf of Company-1 with that purchasing official in order for Company-1 to be the asbestos monitoring company for NYPH. McAnulty was aware that the kickbacks on behalf of Company-1 were made by Company-2 and McAnulty understood that the kickbacks on behalf of Company-1 to that purchasing official totaled at least \$28,000, which was approximately 7% of the total amount paid to Company-1 by NYPH. In addition, McAnulty was aware that Company-2 paid kickbacks to the purchasing official in return for asbestos removal contracts that were awarded to Company-2.

8. The United States Department of Justice, Antitrust Division (“Antitrust Division”) was conducting a grand jury investigation to determine, among other things, if any person or company engaged in providing services to NYPH committed any violations of the Sherman Act, 15 U.S.C. § 1, or other federal criminal laws, in the Southern District of New York and elsewhere.

9. It was material to the Antitrust Division’s grand jury investigation to determine whether McAnulty had knowledge of or information concerning bid rigging agreements, kickbacks or other fraudulent conduct involving representatives of companies engaged in providing services to NYPH. It was also material to the Antitrust Division’s grand jury investigation to determine whether McAnulty had participated in such conduct.

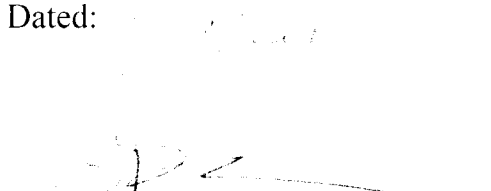
10. On November 20, 2007, in the Southern District of New York, McAnulty unlawfully, willfully, and knowingly, in a matter within the jurisdiction of the executive

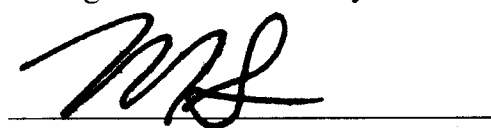
branch of the Government of the United States, falsified, concealed, and covered up by trick, scheme, and device a material fact, and made materially false, fictitious, and fraudulent statements and representations, to wit, in connection with a grand jury investigation by the Antitrust Division, McAnulty was interviewed, at his request, by agents of the Federal Bureau of Investigation and representatives of the Antitrust Division, and during the interview he falsely claimed that he was not aware that any purchasing official at NYPH received kickbacks in return for asbestos monitoring and asbestos removal contracts that were awarded to Company-1 and Company-2, respectively.


11. This declaration of McAnulty, as he then and there knew, was false in that he knew Company-2 paid kickbacks to a purchasing official at NYPH in return for asbestos monitoring and asbestos removal contracts that were awarded to Company-1 and Company-2, respectively.

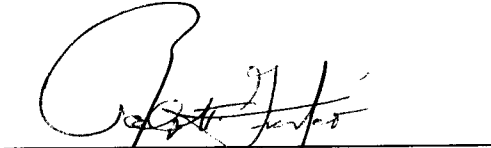
IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1001(a)(1) and (2)

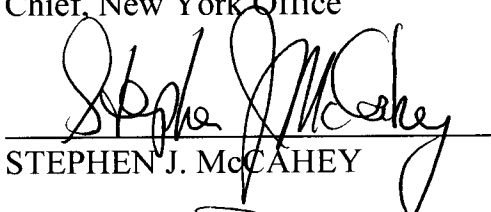
Dated:


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