

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 09-_____
v.	:	DATE FILED:_____
ROBERT KRAMER	:	VIOLATION:
	:	8 U.S.C. § 1324a(a)(2) and (f) (engaging
	:	in pattern or practice of continuing to
	:	employ aliens not authorized to work in
	:	the United States - 1 count)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At various times material to this information:

_____ 1. Mace Security International, Inc. ("Mace"), was a publicly traded company based in Mount Laurel, New Jersey. Mace operated diverse businesses in interstate commerce, including approximately 50 car washes in at least six states. Beginning in approximately 1999, Mace purchased these car washes from numerous sources.

2. Car washes owned by Mace were divided into divisions, based on the region in which the car washes were located. Car Care, Inc., ("Car Care"), charged elsewhere, was a wholly owned subsidiary of Mace, and was frequently referred to as the northeast division of Mace's car wash businesses. All car wash divisions reported to Mace headquarters in Mount Laurel, which was responsible for setting policy, obtaining financing, setting budgets, establishing employment policy, and handling payroll and human resource functions.

3. Car Care owned both self-service and full-service car washes in Pennsylvania, New Jersey, and Delaware, including four full-service car washes in Norristown, Flourtown, and Bryn Mawr, Pennsylvania, and Cherry Hill, New Jersey. Self-service car washes had few employees. Full-service car washes employed numerous workers to assist in the cleaning, drying, and detailing of cars.

4. Defendant ROBERT KRAMER was Mace's General Counsel and the Chief Operating Officer of all of Mace's car wash operations in the United States, including car washes operated by Care Care. In this position, he was responsible for the oversight of all of Mace's self- and full-service car washes in Pennsylvania, New Jersey, and Delaware. Defendant KRAMER maintained an office at Mace's corporate headquarters in Mount Laurel, New Jersey, and was responsible for establishing and overseeing procedures and practices for hiring, maintaining, and terminating employees in all Mace owned car washes.

5. Nicholas Sama, charged elsewhere, was the regional manager of car washes in the Northeast Region, and was responsible for the day-to-day operation of all self- and full-service car washes in Pennsylvania, New Jersey, and Delaware. Sama reported directly to defendant ROBERT KRAMER. All other regional managers at Mace reported directly to Person No. 1, a person known to the United States Attorney. Person No. 1 reported directly to defendant KRAMER.

6. Each Car Care full-service car wash employed a manager and an assistant manager. All Car Care managers reported directly to Nicholas Sama. Managers were responsible for the day-to-day operations at the car washes and were able to hire workers when

authorized to do so pursuant to policies established by defendant ROBERT KRAMER and Sama. Managers set work schedules at the car washes.

_____7. From on or about March 1, 2003, to the present, the United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), was the agency of the United States government responsible for overseeing and regulating immigration in the United States, including the enforcement of immigration laws in the work place. Prior to March 1, 2003, the Immigration and Naturalization Service (“INS”) of the United States Department of Justice was the agency responsible for these matters.

8. Employers in the United States could legally hire only United States citizens and aliens who were authorized by law to work in the United States.

9. All employers in the United States are required to complete and maintain Employment Eligibility Verification forms (“Form I-9”). A prospective employee must complete Form I-9 to show that he or she is authorized to be employed in the United States. The prospective employee must present to the employer documents which establish the employee’s identity and authorization to be employed. The employer must examine the documents submitted by the prospective employee and certify on the I-9 form that the documents appear to be genuine, that they relate to the employee, and that the employee is eligible to work in the United States. Forms I-9 and supporting documents may not be used to support the employment of any person other than the person named in those documents.

10. All car washes owned by Mace, including those operated by Car Care, previously had other owners. Mace usually retained car wash employees who had been working for the previous owners.

11. Car Care employed illegal workers at its full-service car washes in Pennsylvania and New Jersey, and Car Care provided these illegal workers with the names of former employees to use while working for Car Care. Illegal workers were paid by check in the names of former employees and were told to cash their checks at a local bank branch near the car wash where they worked. As a result of informal arrangements with this bank, the bank cashed pay checks for car wash employees without requiring identification if those employees were wearing car wash t-shirts or sweatshirts.

12. Mace caused reports pertaining to the wages paid these illegal workers under the names of former employees and taxes withheld from employee wages to be sent to the Internal Revenue Service and to state labor departments.

13. At various times, defendant ROBERT KRAMER, with constructive knowledge that a significant percentage of Car Care employees were illegal workers, put in place procedures that hindered the discovery of Car Care's employment of the illegal workers, including: (a) directing that Social Security Numbers not be checked for existing Mace employees, even though such checks were conducted for new employees and employees rehired by Mace, even when defendant KRAMER directed that criminal records checks be completed for all employees; (b) directing full-service car washes in Pennsylvania and New Jersey not to check Social Security Numbers for employees rehired by Mace, although defendant KRAMER continued to require such checks of employees rehired at all other Mace owned car washes; and (c) failing to adequately investigate complaints that many Car Care employees were illegal workers.

14. On or about March 13, 2006, Car Care employed 50 illegal workers at its car washes in Norristown, Flourtown, and Bryn Mawr, Pennsylvania and Cherry Hill, New Jersey. The illegal workers comprised approximately 90 percent of the employees working that day at those car washes.

15. From in or about 2000, through on or about March 13, 2006, in the Eastern District of Pennsylvania, and elsewhere, defendant

ROBERT KRAMER

engaged in a pattern and practice, after hiring aliens for employment in accordance with Title 8, United States Code, Section 1324a(1) and (b), of continuing to employ the aliens in the United States knowing and with constructive knowledge that the aliens were or had become unauthorized aliens with respect to such employment.

All in violation of Title 8, United States Code, Sections 1324a(a)(2) and (f).

LAURIE MAGID
United States Attorney