

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ JUN 05 2008 ★

LONG ISLAND OFFICE

----- X
UNITED STATES OF AMERICA

- against -

CHARLES N. KRISS,

Defendant
----- X

I N D I C T M E N T

Cr. No. _____
(T. 18, U.S.C. § 371)

CR-08 380

SPATT, J.

THE GRAND JURY CHARGES:

BOYLE, M.

DESCRIPTION OF THE OFFENSE

(Conspiracy to Commit Bribery)

1. CHARLES N. KRISS ("KRISS") is hereby indicted and made a defendant herein. At all times relevant to this Indictment, the defendant KRISS was employed by the City of New York, Department of Citywide Administrative Services, as an engineer. In that capacity he performed duties related to repair, restoration and rebuilding projects for New York City piers.

2. From in or about 1999 until in or about February 2003, the exact dates being unknown to the Grand Jury, in the Eastern District of New York and elsewhere, the defendant KRISS, together with other co-conspirators, did knowingly and intentionally conspire for KRISS, an agent of an organization or agency of the City of New York, a local government which received 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.

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

4. Whenever in this Indictment 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

5. 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 Indictment, 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 Grand Jury.

6. From in or about 2000 through 2002, the exact dates being unknown to the Grand Jury, a corporate co-conspirator ("CORPORATION 1") received a series of orders for plastic pilings from a corporate co-conspirator ("CORPORATION 2") and others for use in repairs to Pier 86, and subsequently sold such plastic pilings to CORPORATION 2 and others.

7. 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

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

a. KRISS attended a meeting with co-conspirators employed by CORPORATION 1 in or about June, 1999. At this meeting the conspirators engaged in discussions relating to the Pier 86 repair project;

b. KRISS and an officer of CORPORATION 2 attended a meeting with co-conspirators employed by CORPORATION 1 in or about September, 1999. At this meeting the conspirators

engaged in further discussions relating to the Pier 86 repair project;

c. either at or after the aforementioned meetings, 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;

d. 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;

e. after the first three orders were placed, KRISS told CORPORATION 1 that all subsequent orders for Pier 86 repair materials would be placed by CORPORATION 2.

Commencing in or about April 2000, and continuing until at least March 2002, CORPORATION 2 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;

f. between approximately May, 2000 and February, 2003, the exact dates being unknown to the Grand Jury, 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 Grand Jury;

g. at least one payment intended for KRISS was, at KRISS's direction, made by check in the name of a co-conspirator. On or about May 19, 2000, CORPORATION 1 purchased a cashier's check in the name of a co-conspirator designated by KRISS and sent it by commercial interstate carrier to the co-conspirator's place of employment in the Eastern District of New York;

h. 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 3"). CORPORATION 3 was a company in which a co-conspirator officer of CORPORATION 2 had an interest. KRISS directed that the checks payable to CORPORATION 3 be sent to a residential address in Cedarhurst, New York, in the Eastern District of New York, occupied by KRISS and a co-conspirator;

i. between August, 2000, and December, 2002, CORPORATION 1 issued at least eight checks made out to CORPORATION 3. 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;

j. between August, 2000 and December, 2002, the exact dates being unknown to the Grand Jury, KRISS 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 3 into cash for KRISS. The co-conspirators facilitated the cashing of CORPORATION 3's checks and provided the proceeds thereof to KRISS.

k. CORPORATION 1 also made payments by delivering cash to KRISS. A co-conspirator employed by CORPORATION 1 hand-delivered cash and other things of value to KRISS on multiple occasions between on or about July, 2000 and February, 2003.

JURISDICTION AND VENUE

9. 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 return of this Indictment, excluding the period during which the running of the statute of limitations was suspended pursuant to agreement with the Defendant.


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


DATED:

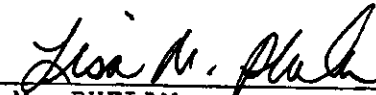
A TRUE BILL


FOREPERSON


THOMAS O. BARNETT
Assistant Attorney General


SCOTT D. HAMMOND
Deputy Assistant Attorney General


MARC SIEGEL
Director of Criminal Enforcement
Antitrust Division
U.S. Department of Justice


LISA M. PHELAN
Chief, National Criminal
Enforcement Section


KENNETH W. GAUL
CRAIG Y. LEE
FINNUALA M. KELLEHER
Attorneys, Antitrust Division
U.S. Department of Justice
Nat'l Crim. Enforcement Sec.
1401 H Street, NW, Suite 3700
Washington, D.C. 20530
Tel.: (202) 307-6694