IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	**Filed November 5, 2002**
	)	
v.	)	**No. 02-CR-144K**
	)	
JIMMY ALBERT MATHESON,	)	
	)	
	)	
Defendant.	)	

INFORMATION

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

CONSPIRACY
(18 U.S.C. § 371)

1. JIMMY ALBERT MATHESON is hereby made a defendant on the charge stated below.

I. DEFENDANT AND CO-CONSPIRATORS

2. During the period covered by this Information, H E Engineered Equipment Co., Inc. ("HEEECI") was a corporation organized and existing under the laws of the State of Oklahoma with its principal place of business in Broken Arrow, Oklahoma. During the period covered by this Information, Jimmy Albert Matheson, was engaged in

the business of arranging for the sale of water and wastewater treatment materials on behalf of HEEECI.

3. From at least as early as May 30, 1995 until December 31, 1997, Co-Conspirator Number One (hereinafter "CC-1") was an employee of the Henry Pratt Company who lived in Illinois. CC-1 retired from the Henry Pratt Company effective December 31, 1997. The Henry Pratt Company was a manufacturer and supplier of equipment used in water and wastewater treatment plants, nuclear power plants, and other industrial installations and had its principal place of business in Aurora, Illinois.

II. DESCRIPTION OF THE OFFENSE

4. Beginning at least as early as May 30, 1995, and continuing thereafter at least through December 31, 1997, the exact dates being unknown to the United States, in the Northern District of Oklahoma and elsewhere, the defendant, CC-1, and another co-conspirator did unlawfully, willfully, and knowingly conspire, combine, confederate, and agree in violation of Title 18, United States Code, Section 371 to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1341, 1343, and 1346.

5. It was a part and object of said conspiracy that the defendant, CC-1, and another co-conspirator, having devised and intending to devise a scheme and artifice to

(a) defraud the Henry Pratt Company; (b) obtain money from the Henry Pratt Company by means of false and fraudulent pretenses, representations, and promises; and (c) deprive the Henry Pratt Company of its right to the honest services of CC-1, executed the scheme and artifice by and through the use of the United States mail and certain writings, signs, sounds, and signals transmitted in interstate wire communications.

III. THE MANNER AND MEANS BY WHICH THE CONSPIRACY WAS CARRIED OUT

6. The Henry Pratt Company relied on CC-1 to conduct his work on the company's behalf in an honest fashion so as to benefit his employer, including his work in helping to secure equipment for sale and resale by his company. However, as a result of the scheme and artifice to defraud, the defendant paid kickbacks to CC-1 for CC-1's role in the Henry Pratt Company's purchase of equipment from HEEECI and for CC-1's role in obtaining favorable prices for HEEECI on purchases of equipment from the Henry Pratt Company. These kickbacks made to CC-1 by the defendant were concealed from the Henry Pratt Company.

7. For the purpose of forming and effectuating the aforesaid combination and conspiracy, the defendant, CC-1, and another co-conspirator did those things that they combined and conspired to do, including, among other things:

(a) CC-1 advising the defendant that the Henry Pratt Company was interested in purchasing certain surplus equipment to fulfill its business needs and that CC-1 would be involved in the Henry Pratt Company's purchase of said equipment;

(b) CC-1 advising the defendant that CC-1 had arranged for the Henry Pratt Company to agree to purchase certain surplus equipment from HEEECI;

(c) The defendant and CC-1 agreeing that the defendant would pay kickbacks to CC-1 from HEEECI's account based on the sale of said surplus equipment to the Henry Pratt Company;

(d) CC-1 advising the defendant that he could lower the purchase price on the sale of certain equipment from the Henry Pratt Company to HEEECI in exchange for kickbacks to CC-1;

(e) The defendant and CC-1 agreeing that the defendant would pay kickbacks to CC-1 from HEEECI's account based on the net savings to HEEECI on the sale of said equipment to HEEECI from the Henry Pratt Company;

(f) During the course of the conspiracy, neither the defendant nor CC-1 disclosed to the Henry Pratt Company the fact that CC-1 was taking kickbacks from the defendant for CC-1's role in arranging for the purchase of surplus equipment by the Henry Pratt Company from HEEECI or for CC-1's role in

lowering the purchase price on the sale of certain equipment from the Henry Pratt Company to HEEECI.

IV. OVERT ACTS

8. In addition to mailings of documents which the defendant and CC-1 made and caused to be made by means of the United States mail and interstate telephone calls and facsimiles made and caused to be transmitted in furtherance of the aforesaid conspiracy, the following payments were made by the defendant on or about the following dates to CC-1, by the following means and methods, in furtherance of the aforesaid kickback scheme:

Payment	Date Transmitted	Method of Payment
$17,250.00	August 24, 1996	Check sent by United States mail from Oklahoma and received in Illinois
$9,925.70	October 25, 1997	Check sent by United States mail from Oklahoma and received in Illinois

V. JURISDICTION AND VENUE

9. The conspiracy charged in this Information was formed and carried out, in part, in the Northern District of Oklahoma, within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 371.

Dated this 5th day of October, 2002.

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