UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	)	
	)	Criminal No. 1:06-cr-111
v.	)	
	)	Filed: March 28, 2006
JOHN R. OLSEN,	)	
	)	Violations: 18 U.S.C. § 371
	)	26 U.S.C. § 7206(1)
Defendant.	)	
	)	

INFORMATION

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

COUNT ONE--CONSPIRACY

(18 U.S.C. § 371)

1. JOHN R. OLSEN is hereby made a defendant on this charge.

I. DEFENDANT AND CO-CONSPIRATORS

During the period covered by this Information:

2. Defendant Olsen, a citizen of Canada and United States resident at that time, was employed as the general manager of Chemical Products Technologies, LLC ("CPT"), a corporation organized and existing under the laws of the State of Georgia with its principal place of business in Cartersville, Georgia. Among other products, CPT sold anthraquinone, a pulping additive used to increase production in the pulp and paper industry,

and glyphosate, an herbicide used to control grasses and weeds, to customers throughout the United States.

3. In his position as general manager, Olsen was responsible for the operation and profitability of CPT. Olsen was also the owner of Grey Bear, a Georgia corporation that owned twenty-one percent of CPT. The majority owner of CPT was Chemical Products Corporation ("CPC"), a Cartersville, Georgia company engaged in the business of mining and manufacturing various chemicals.

4. Co-Conspirator Patrick Joseph Crowe III was employed as a salesman by CPT.

5. Co-Conspirator Number One ("CC-1") was the sole owner and operator of an independent trucking company in Tennessee, who was hired to deliver anthraquinone for CPT.

II. DESCRIPTION OF THE OFFENSE

6. Beginning at least as early as July 2000, and continuing thereafter at least through October 10, 2003, the exact dates being unknown to the United States, in the Northern District of Georgia and elsewhere, the defendant, Co-Conspirator Crowe, and CC-1 did unlawfully, willfully, and knowingly combine, conspire, confederate, and agree in violation of Title 18,

United States Code, Section 371, to commit offenses against the United States of America, to wit, to violate Title 18, United States Code, Sections 1341 and 1346.

7. It was a part and object of said conspiracy that the defendant, Co-Conspirator Crowe, and CC-1, having devised and intending to devise a scheme and artifice to defraud CPT and deprive CPT of its right to the honest services of its employees, executed such scheme and artifice to defraud by and through the use of the United States mail.

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

8. The defendant, Co-Conspirator Crowe, and CC-1 participated in a kickback scheme to defraud CPT, whereby they agreed that CC-1 would make kickback payments to Co-Conspirator Crowe's shell corporation in exchange for ensuring that CC-1 received business from CPT. As a result of the scheme and artifice to defraud, CC-1 overcharged CPT and paid Co-Conspirator Crowe kickback payments totaling $69,428.27, a portion of which Co-Conspirator Crowe paid to the defendant. The defendant and Co-Conspirator Crowe concealed the kickback payments from CPT and CPC.

9. The defendant and Co-Conspirator Crowe had a fiduciary duty to transact business in the best interest of their employer, CPT, and to act honestly and faithfully in all of their dealings with CPT, including a duty to make full and fair disclosure to CPT of any kickbacks they received, or expected to receive, from CC-1 during the course of their employment. The defendant breached his fiduciary duty to CPT by receiving unauthorized kickback payments from CC-1 through Co-Conspirator Crowe.

10. For the purpose of forming and effectuating the aforesaid conspiracy, the defendant, Co-Conspirator Crowe, and CC-1 did those things that they combined and conspired to do, including, among other things:

(a) Co-Conspirator Crowe recruiting CC-1 to haul anthraquinone for CPT and then soliciting kickbacks from CC-1 in exchange for CC-1 obtaining and retaining business with CPT;

(b) The defendant, Co-Conspirator Crowe, and CC-1 agreeing that CC-1 would charge CPT an inflated price for each load of anthraquinone delivered by CC-1;

(c) The defendant, Co-Conspirator Crowe, and CC-1 agreeing that CC-1 would pay kickback money to Co-Conspirator Crowe's shell corporation for every load of anthraquinone delivered by CC-1;

(d) Co-Conspirator Crowe agreeing with the defendant to share the kickback payments received from CC-1;

(e) The defendant and Co-Conspirator Crowe retaining and using the kickback money for their own personal benefit;

(f) The defendant and Co-Conspirator Crowe concealing from CPT and CPC the kickback agreement with CC-1 and the payments made by CC-1 to Co-Conspirator Crowe's shell corporation;

(g) Co-Conspirator Crowe and CC-1 mailing and/or causing to be mailed inflated invoices, kickback checks, and other documents pertaining to the scheme to defraud; and

(h) Co-Conspirator Crowe traveling across state lines into Georgia to deliver to the defendant unlawfully obtained funds generated by their scheme to defraud CPT.

IV. OVERT ACTS

11. In furtherance of the conspiracy and to effect the illegal objects thereof, the defendant, Co-Conspirator Crowe, and CC-1 committed overt acts in the Northern District of Georgia and elsewhere, including, but not limited to:

(a) CC-1 sending numerous inflated invoices to CPT, via United States mail, which were all received by CPT in Cartersville, Georgia;

(b) The defendant, Co-Conspirator Crowe, and CC-1 causing CPT to place checks into the United States mail in Cartersville, Georgia for delivery to CC-1 in payment of the inflated invoices;

(c) Co-Conspirator Crowe traveling across state lines on several occasions and hand-delivering kickback payments to the defendant in Cartersville, Georgia;

(d) The defendant depositing kickback payments into a personal account at Bartow County Bank in Cartersville, Georgia.

V. JURISDICTION AND VENUE

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

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

COUNT TWO--CONSPIRACY
(18 U.S.C. § 371)

13. JOHN R. OLSEN is hereby made a defendant on this charge.

I. DEFENDANT AND CO-CONSPIRATORS

14. Paragraphs 2 and 3 of Count One of this Information are repeated, realleged, and incorporated in Count Two with the same force and effect as if fully set forth in this Count.

15. From at least as early as April 2002 until at least December 3, 2002, the defendant was employed as the general manager of CPT, and Co-Conspirator Crowe was employed as the primary salesman for CPT's glyphosate business and reported directly to the defendant.

16. Co-Conspirator Number Two ("CC-2") was the owner of a Nevada corporation in the business of forming corporate entities and providing nominee services to such entities.

II. DESCRIPTION OF THE OFFENSE

17. Beginning at least as early as April 2002, and continuing thereafter at least through December 3, 2002, the exact dates being unknown to the United States, in the Northern District of Georgia and elsewhere, the defendant, Co-Conspirator Crowe, and CC-2 did unlawfully, willfully, and

knowingly combine, conspire, confederate, and agree in violation of Title 18, United States Code, Section 371, to commit offenses against the United States of America, to wit, to violate Title 18, United States Code, Sections 1341 and 1346.

18. It was a part and object of said conspiracy that the defendant, Co-Conspirator Crowe, and CC-2, having devised and intending to devise a scheme and artifice to defraud CPT and deprive CPT of its right to the honest services of its employees, executed the scheme and artifice to defraud by and through the use of a commercial interstate carrier.

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

19. The defendant and Co-Conspirator Crowe devised and, along with CC-2, participated in a scheme and artifice to defraud CPT and deprive CPT of its intangible right to the honest services of its employees. To execute the scheme and artifice to defraud, Co-Conspirator Crowe hired CC-2 to act as a nominee for CDFD, Inc., a Wyoming corporation owned by Co-Conspirator Crowe. CC-2 set up a bank account for CDFD. The defendant and Co-Conspirator Crowe actively concealed Co-Conspirator Crowe's ownership of the company and control over the CDFD account from CPT and CPC.

20. In furtherance of the scheme and artifice to defraud, the defendant and Co-Conspirator Crowe misled their employer to believe that CDFD was an escrow agent, and arranged to have funds generated by CPT's glyphosate business deposited into the CDFD business account set up by CC-2. It was CPT's intention that the funds deposited into the CDFD bank account would be used to pay CPT's glyphosate supplier, with the balance disbursed to CPT and Zetachem, U.S.A. (CPT's former partner in the glyphosate business). Instead, Co-Conspirator Crowe ordered CC-2 to make payments to the defendant and himself from the CDFD account for their own personal use. As a result of the scheme and artifice to defraud, the defendant unlawfully received at least $39,412.62 from the CDFD account, and Co-Conspirator Crowe received at least $17,416.59 from said account. Those payments were concealed from CPT and CPC.

21. The defendant and Co-Conspirator Crowe had a fiduciary duty to transact business in the best interest of their employer, CPT, and to act honestly and faithfully in all of their dealings with CPT, including a duty to make full and fair disclosure to CPT of any personal interest they had in any transaction in which they participated with CC-2 involving CDFD during the course of their employment. The defendant and Co-Conspirator Crowe

breached their fiduciary duty to CPT by diverting funds, which belonged to CPT's glyphosate business, from the CDFD account for their own personal use.

22. For the purpose of executing the conspiracy, the defendant and his co-conspirators did those things that they combined and conspired to do, including, among other things:

(a) The defendant and Co-Conspirator Crowe agreeing to use Crowe's corporation, CDFD, Inc., to divert profits from CPT's glyphosate business for their own personal use;

(b) Co-Conspirator Crowe hiring CC-2 to serve as a nominee for CDFD, Inc., and instructing CC-2 to open a bank account for the corporation;

(c) CC-2 setting up a bank account under the name CDFD, Inc. and concealing Co-Conspirator Crowe's ownership and control over the corporation and bank account;

(d) The defendant and Co-Conspirator Crowe misleading CPT and CPC to believe that CDFD, Inc. was an independent corporation able to serve as an escrow agent for CPT's glyphosate business;

(e) The defendant and Co-Conspirator Crowe sending instructions to CC-2 to execute the scheme, including ordering CC-2 to charge CPT phony fees on behalf of CDFD, Inc.;

(f) Co-Conspirator Crowe sending instructions to CC-2 and his employees to send checks drawn on the CDFD bank account and made payable to the defendant and Co-Conspirator Crowe, to Co-Conspirator Crowe's residence in Tennessee;

(g) The defendant and Co-Conspirator Crowe retaining and using funds from the CDFD bank account for their own personal benefit;

(h) The defendant and Co-Conspirator Crowe concealing their relationship to CDFD, Inc. and Co-Conspirator Crowe's control over the CDFD bank account from CPT and CPC;

(i) The defendant, Co-Conspirator Crowe, and CC-2 mailing and/or causing to be mailed documents and checks relating to their scheme to defraud CPT;

(j) Co-Conspirator Crowe traveling across state lines into Georgia to deliver to the defendant unlawfully obtained funds generated by their scheme to defraud CPT.

IV. OVERT ACTS

23. In furtherance of the conspiracy and to effect the illegal objects thereof, the defendant, Co-Conspirator Crowe, and CC-2 committed overt acts in the Northern District of Georgia and elsewhere, including, but not limited to:

(a) The defendant sending documents, via facsimile, from Cartersville, Georgia to CC-2 in Nevada, instructing CC-2 to bill CPT for phony fees;

(b) Co-Conspirator Crowe causing checks drawn on the CDFD business account to be placed in the United States mail and delivered to his residence in Tennessee;

(c) Co-Conspirator Crowe hand-delivering to the defendant in Cartersville, Georgia checks from the CDFD account, payable to the defendant;

(d) The defendant depositing into his Bartow County Bank account in Cartersville, Georgia funds received by the defendant from the conspiracy.

V. JURISDICTION AND VENUE

24. The combination and conspiracy charged in this Count was formed and carried out, in part, in the Northern District of Georgia within the five years preceding the filing of this Information.

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

COUNT THREE –FRAUD AND FALSE STATEMENTS

(26 U.S.C. § 7206(1))

25. JOHN R. OLSEN is hereby made a defendant on this charge.

26. Paragraphs 2 and 3 of Count One of this Information are repeated, realleged, and incorporated in Count Three with the same force and effect as if fully set forth in this Count.

27. As a result of the conspiracy to defraud CPT and deprive CPT of its intangible right to the honest services of its employees, set forth in Count One of this Information, the defendant received payments totaling $13,000.00 in 2001.

28. On or about August 19, 2002, in the Northern District of Georgia, the defendant did willfully make and subscribe a United States Individual Income Tax Return, Form 1040, for the calendar year 2001, which contained

and was verified by the defendant's written declaration that the return was made under penalties of perjury, and was filed with the Internal Revenue Service, and which income tax return the defendant did not believe to be true and correct as to every material matter, in that the income tax return reported taxable income of $472,685.00 and tax of $144,913.00, whereas, as the defendant then and there well knew and believed, his income and tax for calendar year 2001 was in excess of the amounts reported, because said income tax return failed to report as income his receipt of kickback payments from CC-1, through Co-Conspirator Crowe, in 2001, as set forth in Count One of this Information.

ALL IN VIOLATION OF TITLE 26, UNITED STATES CODE, SECTION 7206(1).

COUNT FOUR –FRAUD AND FALSE STATEMENTS

(26 U.S.C. § 7206(1))

29. JOHN R. OLSEN is hereby made a defendant on this charge.

30. Paragraphs 2 and 3 of Count One of this Information are repeated, realleged, and incorporated in Count Four with the same force and effect as if fully set forth in this Count.

31. As a result of the conspiracy to defraud CPT and deprive CPT of its intangible right to the honest services of its employees, set forth in Count Two of this Information, the defendant received payments totaling $39,412.62 in 2002.

32. Between February 2002 and May 2002, the defendant received additional payments from Co-Conspirator Crowe totaling $74,319.25. These payments related to a scheme between the defendant, Co-Conspirator Crowe, and a Mississippi company involved in the distribution of glyphosate. As a part of the scheme, the Mississippi company made payments to Co-Conspirator Crowe through a shell company owned by Crowe, in the amount of 25 cents for every gallon of glyphosate the company purchased from CPT. Co-Conspirator Crowe then forwarded a portion of the payments to the defendant. These payments were deposited by the defendant into his personal account at Bartow County Bank in Cartersville, Georgia.

33. Based on instructions he received from the defendant, Co-Conspirator Crowe paid $4,069.37 to a freight company that transported furniture to Inside Out, a furniture store that was owned at the time by the defendant's wife. This money was derived from the payments made to Co-Conspirator Crowe's shell company by the Mississippi company.

34. On or about September 12, 2003, in the Northern District of Georgia, the defendant did willfully make and subscribe a United States Individual Income Tax Return, Form 1040, for the calendar year 2002, which contained and was verified by the defendant's written declaration that the return was made under penalties of perjury, and was filed with the Internal Revenue Service, and which income tax return the defendant did not believe to be true and correct as to every material matter, in that the income tax return reported taxable income of $765,637.00 and tax of $267,567.00, whereas, as the defendant then and there well knew and believed, his income and tax for calendar year 2002 was substantially in excess of the amounts reported, because said income tax return failed to report as income his receipt of funds diverted from the CDFD account in 2002, as set forth in Count Two of this Information, and kickback payments received in 2002, as set forth in paragraphs 32 and 33 of this Information.

ALL IN VIOLATION OF TITLE 26, UNITED STATES CODE, SECTION 7206(1).

Dated this 28th day of March, 2006.

/S/
THOMAS O. BARNETT
Acting Assistant Attorney General

/S/
NEZIDA S. DAVIS
Chief, Atlanta Field Office
Georgia Bar No. 642083

/S/
SCOTT D. HAMMOND
Deputy Assistant Attorney General

/S/
HOLLY B. STEVENS
Georgia Bar No. 093550

/S/
MARC SIEGEL
Director of Criminal Enforcement

/S/
DEANA L. TIMBERLAKE-WILEY
Member of the Maryland Bar

/S/
DAVID E. NAHMIAS
United States Attorney
Northern District of Georgia

Attorneys
U.S. Department of Justice
Antitrust Division
75 Spring Street, SW
Suite 1176
Atlanta, Georgia 30303
Tel.: (404) 331-7100
Fax: (404) 331-7110