

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	Criminal No.
v.)	
)	Filed
KYOUNGWON PYO,)	
)	Violations: 18 U.S.C. § 1512(c)(1)
Defendant.)	(Counts 1-2)
_____)	

INFORMATION

COUNT 1

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

THE DEFENDANT

1. During the period covered by this Information, KYOUNGWON PYO (“the defendant”) was employed as a Senior Vice President for Corporate Strategy of Hyosung Corporation (“Hyosung”), an entity organized and existing under the laws of the Republic of Korea, and with its principal place of business in Seoul, Korea.

BACKGROUND OF THE OFFENSE

2. Automated teller machines (“ATMs”) are used by financial institutions and other business entities to dispense cash, accept deposits, and conduct other financial transactions with customers at various locations, including but not limited to retail establishments and other non-bank locations. During the period covered by this Information an affiliate of Hyosung, Nautilus-

Hyosung, Inc. (“NHI”) was a producer of ATMs and, directly or through its subsidiaries, was engaged in the sale of ATMs in the United States and elsewhere.

3. During the period covered by this Information, the defendant was assigned managerial duties in connection with the proposed acquisition by NHI of Triton Systems of Delaware, Inc. (“Triton”), a corporation organized and existing under the laws of the State of Delaware.

4. The defendant participated in and directed the identification, review, and collection of documents and information required to be submitted in premerger notification filings with the United States Federal Trade Commission (“FTC”) and the United States Department of Justice (“DOJ”) in the District of Columbia pursuant to Section 7A of the Clayton Act, 15 U.S.C. § 18(a), and the implementing regulations promulgated thereunder at 16 C.F.R. Part 801, *et seq.* (“HSR filing”). These included “studies, surveys, and analyses and reports . . . evaluating or analyzing the acquisition with respect to market shares, competition, competitors, markets, potential for sales growth or expansion into product or geographic markets.” 16 C.F.R., Part 803 Appendix, at Item 4(c) (the “4(c) documents”).

5. On or about August 7, 2008 and August 29, 2008, NHI made HSR filings with the FTC and DOJ in the District of Columbia in conjunction with the proposed acquisition of Triton.

6. Subsequent to receipt of the HSR filings, DOJ reviewed the HSR filings and commenced a preliminary inquiry into whether the proposed acquisition of Triton violated Section 7 of the Clayton Act, 15 U.S.C. § 18, pursuant to Section 7A of the Clayton Act, 15 U.S.C. § 18a. The HSR filings, review and preliminary inquiry constituted an official proceeding within the meaning of 18 U.S.C. §§ 1512(c), 1515(a)(1)(C).

DESCRIPTION OF THE OFFENSE

7. In or about July and August 2008, the exact dates being unknown to the United States, the defendant did, and did direct others to, corruptly alter, destroy, mutilate and conceal records, documents, and other objects, to wit, the 4(c) documents submitted to the FTC and DOJ as part of the HSR filings, and attempted to do so, with the intent to impair the objects' integrity and availability for use in an official proceeding. In doing so, the defendant misrepresented the market shares, competition, competitors, markets, potential for sales growth or expansion into product or geographic markets relating to the proposed acquisition in the United States and other statements relevant and material to analyses of the proposed acquisition of Triton by the FTC and DOJ.

JURISDICTION AND VENUE

8. The offense charged in this Information was carried out in the District of Columbia within five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1512(c)(1).

COUNT II

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

9. Each and every allegation contained in Paragraphs 1-8 of Count I of this Information is here realleged as if fully set forth in this Count.

BACKGROUND

10. In conjunction with its review and preliminary inquiry, on or about August 19, 2008, DOJ requested that NHI produce copies of additional documents, to wit, pre-existing business and strategic plans for the years 2006, 2007, and 2008 relating to the sale of ATMs.

11. The defendant participated in and directed the identification, review, and collection of such pre-existing NHI business and strategic plans.

12. The pre-existing NHI business and strategic plans were produced to the DOJ in the District of Columbia on or about September 4, 2008.

DESCRIPTION OF THE OFFENSE

13. In or about August and September 2008, the exact dates being unknown to the United States, the defendant did, and did direct others to, corruptly alter, destroy, mutilate and conceal records, documents, and other objects, to wit, pre-existing business and strategic plans for the years 2006, 2007, and 2008, and attempted to do so, with the intent to impair the objects' integrity and availability for use in an official proceeding. In doing so, the defendant misrepresented NHI's analyses regarding business and competition among vendors of ATMs that were relevant and material to DOJ's analysis of the proposed acquisition of Triton.

JURISDICTION AND VENUE

14. The offense charged in this Information was carried out in the District of Columbia within five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1512(c)(1).

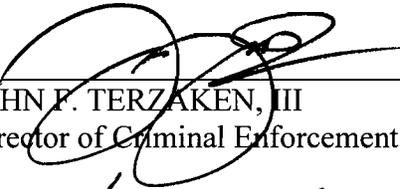
DATED:



JOSEPH F. WAYLAND
Assistant Attorney General



SCOTT D. HAMMOND
Deputy Assistant Attorney General



JOHN F. TERZAKEN, III
Director of Criminal Enforcement



LISA M. PHELAN
Chief
National Criminal Enforcement Section
Antitrust Division
U.S. Department of Justice



Kenneth W. Gaul
Attorney
U.S. Department of Justice
Antitrust Division
450 5th Street, N.W.
Washington, D.C. 20530
Tel: 202-307-6147