

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	Criminal No.: 00 Cr. 880 (WK)
v.	:	
	:	Filed: August 24, 2000
LEONARD SCHLACHTER,	:	
	:	Violation: 18 U.S.C. § 371
Defendant.	:	

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INFORMATION

CONSPIRACY TO COMMIT MAIL FRAUD  
(18 U.S.C. § 371)

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

1. Leonard Schlachter ("Schlachter") is hereby made a defendant on the charge stated below.

I. RELEVANT PARTIES AND ENTITIES

During the period covered by this Count:

2. Schlachter was a resident of Manhattan, New York. Schlachter owned and controlled Consumer Dynamics, a sole proprietorship located at his home.

3. Van Munching & Co., Inc. ("Van Munching") was the United States importer of Heineken and related brands of beer from 1933 until 1994. Van Munching had its headquarters in Manhattan.

4. Heineken, N.V. of Holland was the world's second-largest brewer. In 1991, Heineken, N.V. established Heineken USA, Inc. ("Heineken USA"), which

gradually assumed control of the importation and distribution in the United States of Heineken and related brands of beer. Heineken USA had headquarters in Manhattan, and later in White Plains, New York.

5. Schlachter was employed as a purchasing agent at Van Munching, and later at Heineken USA, until December 31, 1996. In his positions at both companies, Schlachter had substantial discretion to select vendors of point-of-purchase advertising and display materials, to solicit quotes and bids, and to negotiate prices.

6. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, such allegation shall be deemed to mean that the corporation engaged in such 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.

7. Various persons and firms, not made defendants herein, participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

## II. DESCRIPTION OF THE OFFENSE

8. From approximately 1993 until approximately September 1996, the exact dates being unknown to the United States, the defendant Schlachter and co-conspirators did unlawfully, willfully, and knowingly conspire, combine,

confederate, and agree to devise a scheme and artifice to defraud and obtain money from Schlachter's employers Van Munching and Heineken USA, and to deprive Van Munching and Heineken USA of the intangible right of Schlachter's honest services, by means of false and fraudulent pretenses, representations, and promises, which scheme and artifice were executed by and through the use of the United States mails, in violation of 18 U.S.C. § 1341 and § 1346, all in violation of 18 U.S.C. § 371.

### III. GOALS OF THE CONSPIRACY

9. The scheme and artifice to defraud and obtain money from Van Munching and Heineken USA resulted in the payment of substantial amounts of money to Schlachter, or to another individual designated by Schlachter, by two vendors supplying point-of-purchase advertising and display materials to Van Munching or Heineken USA. These payments were made without the knowledge of either Van Munching or Heineken USA. The scheme also resulted in Van Munching and Heineken USA being deprived of their intangible right to have their employee Schlachter perform his job in an honest fashion.

### IV. THE MANNER AND MEANS BY WHICH THE CONSPIRACY WAS CARRIED OUT

The manner and means by which the conspiracy was sought to be accomplished included, among others, the following:

10. From approximately 1993 until approximately September 1996,

defendant Schlachter directly or indirectly caused Van Munching and Heineken USA to enter into dozens of contracts, with a total worth of more than \$2 million dollars, with two co-conspirators that paid money to him or to his designee. At Schlachter's request and instruction, one of the co-conspirators ("Supplier A"), a manufacturer of mirrors, paid to an individual designated by Schlachter a total of approximately \$91,682. This amount was exactly 5% of the total value of every contract that Van Munching or Heineken USA awarded to that co-conspirator. A second co-conspirator ("Supplier B"), which was a supplier of inflatable displays, paid Schlachter, at his request, a total of approximately \$8,000 in cash.

#### V. OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts were committed in the Southern District of New York, and elsewhere:

11. On numerous occasions between approximately 1993 and approximately September 1996, Supplier A sent checks via United States mail from its offices in Chicago, Illinois to Schlachter in Manhattan, or to an individual, also in Manhattan, whom Schlachter had designated.

12. On numerous occasions between approximately 1993 and approximately September 1996, Supplier A sent invoices via United States mail from its offices in Chicago, Illinois, to Van Munching's and Heineken USA's offices in Manhattan or White Plains, New York. Schlachter authorized invoices from this co-

conspirator for payment, and Van Munching and Heineken USA then sent, via United States mail, checks in payment of these invoices.

VI. JURISDICTION AND VENUE

13. The aforesaid conspiracy was formed and carried out, in part, within the Southern District of New York within the five years preceding the filing of this Information.

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

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