IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

FILED
FEB 2 1 2007
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 2:07cr 35
	)	
ROBERT B. TAYLOR,	)	15 U.S.C. § 1
(Counts 1-3)	)	Conspiracy to Restrain Trade
	)	(Counts 1-2)
Defendant.	)	
	)	18 U.S.C. § 371
	)	Conspiracy
	)	(Count 3)

CRIMINAL INFORMATION

COUNT ONE

THE UNITED STATES OF AMERICA, THROUGH ITS ATTORNEYS, CHARGES THAT:

DESCRIPTION OF THE OFFENSE

1. Beginning at least as early as June 2000 and continuing until as late as August 2005, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by allocating customers and rigging bids for contracts of foam-filled marine fenders and buoys in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

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BY [signature]
DEPUTY CLERK

2. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to allocate customers and rig bids for contracts of foam-filled marine fenders and buoys in the United States and elsewhere. The victims of this conspiracy included the U.S. Coast Guard and elements of the Department of Defense, including the U.S. Navy, as well as private companies.

MEANS AND METHODS OF THE CONSPIRACY

3. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

(a) attended meetings and engaged in discussions by telephone, facsimile and electronic mail, regarding the sale of foam-filled marine fenders and buoys sold in the United States and elsewhere;

(b) agreed during those meetings and discussions to allocate jobs and to create and exchange order logs in order to implement and monitor this agreement;

(c) agreed during those meetings and discussions not to compete for one another's customers either by not submitting prices or bids to certain customers, or by submitting intentionally high prices or bids to certain customers;

(d) submitted bids in accordance with the agreements reached;

(e) sold foam-filled marine fenders and buoys to the U.S. Coast Guard, the U.S. Navy, and others pursuant to those agreements at collusive and noncompetitive prices;

(f) accepted payment for foam-filled marine fender and buoys sold at the collusive and noncompetitive prices; and

(g) authorized or consented to the participation of subordinate employees and/or distributors in the conspiracy.

DEFENDANT AND CO-CONSPIRATORS

4. During the entire period covered by this Information, the defendant was president of a firm located in Clearbrook, Virginia that is engaged in the manufacture and sale of marine products, including foam-filled marine fenders and buoys, and plastic marine pilings. In December 2002, that firm was purchased by a corporation whose ultimate parent entity is located in Trelleborg, Sweden.

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

TRADE AND COMMERCE

6. Foam-filled marine fenders are used as a cushion between ships and either fixed structures such as docks or piers, or floating structures such as other ships. Foam-filled buoys are used in a variety of applications including as channel markers and navigational aids. Foam-filled marine fenders and buoys are constructed of an elastomer shell filled with closed-cell polyethylene

foam. During the period covered by this Information, the defendant's firm manufactured and sold foam-filled marine fenders and buoys in the United States and elsewhere.

7. During the period covered by this Information, foam-filled marine fenders and buoys sold by one or more of the conspirator firms, and equipment and supplies necessary to the production and distribution of foam-filled marine fenders and buoys, as well as payments for foam-filled marine fenders and buoys, traveled in interstate and foreign commerce.

8. During the period covered by this Information, the business activities of defendant and his co-conspirators in connection with the production and sale of foam-filled marine fenders and buoys that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

JURISDICTION AND VENUE

9. The combination and conspiracy charged in Count One of this Information was carried out, in part, within the Eastern District of Virginia within the five years preceding the filing of this Information.

(All in violation of Title 15, United States Code, Section 1).

COUNT TWO

THE UNITED STATES OF AMERICA, THROUGH ITS ATTORNEYS, FURTHER CHARGES THAT:

DESCRIPTION OF THE OFFENSE

1. Beginning at least as early as December 2000 and continuing until as late as May 2003, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to suppress and eliminate competition by allocating customers and rigging bids for contracts of plastic marine pilings in the United States and elsewhere. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

2. The charged combination and conspiracy consisted of continuing agreements, understandings, and concerts of action among the defendant and co-conspirators, the substantial terms of which were to allocate customers and rig bids for contracts of plastic marine pilings in the United States and elsewhere. The victims of this conspiracy included the Department of Defense, including the U.S. Navy, as well as private companies.

MEANS AND METHODS OF THE CONSPIRACY

3. For the purpose of forming and carrying out the charged combination and conspiracy, the defendant and co-conspirators did those things that they combined and conspired to do, including, among other things:

(a) attended meetings and engaged in discussions by telephone, facsimile and electronic mail, regarding the sale of plastic marine pilings sold in the United States and elsewhere;

(b) agreed during those meetings and discussions to allocate jobs and to create and exchange order logs in order to implement and monitor this agreement;

(c) agreed during those meetings and discussions not to compete for one another's customers either by not submitting prices or bids to certain customers, or by submitting intentionally high prices or bids to certain customers;

(d) submitted bids in accordance with the agreements reached;

(e) sold plastic marine pilings to the U.S. Coast Guard, the U.S. Navy, and others pursuant to those agreements at collusive and noncompetitive prices;

(f) accepted payment for plastic marine pilings sold at the collusive and noncompetitive prices; and

(g) authorized or consented to the participation of subordinate employees and/or distributors in the conspiracy.

DEFENDANT AND CO-CONSPIRATORS

4. Each and every allegation contained in Paragraphs 4-5 of Count One of this Information is here realleged as if fully set forth in this Count.

TRADE AND COMMERCE

5. Plastic marine pilings are reinforced synthetic pilings, resembling telephone poles, used in commercial dock and pier construction. Plastic marine pilings are substitutes for traditional

wood timber pilings. They are often used in port and pier construction projects with foam-filled marine fenders, which are used as cushions between ships and either fixed structures, such as docks or piers, or floating structures, such as other ships. During the relevant period, the defendant's firm manufactured and sold plastic marine pilings in the United States and elsewhere.

6. During the relevant period, plastic marine pilings sold by one or more of the conspirator firms, and equipment and supplies necessary to the production and distribution of plastic marine pilings, as well as payments for plastic marine pilings, traveled in interstate and foreign commerce.

7. During the relevant period, the business activities of defendant and his co-conspirators in connection with the production and sale of plastic marine pilings that are the subject of this Information were within the flow of, and substantially affected, interstate and foreign trade and commerce.

JURISDICTION AND VENUE

8. The combination and conspiracy charged in Count Two of this Information was carried out, in part, within the Eastern District of Virginia within the five years preceding the filing of this Information.

(All in violation of Title 15, United States Code, Section 1).

COUNT THREE

THE UNITED STATES OF AMERICA, THROUGH ITS ATTORNEYS, FURTHER CHARGES THAT:

1. Each and every allegation contained in Paragraphs 4-5 of Count One of this Information is here realleged as if fully set forth in this Count.

2. Each and every allegation contained in Paragraph 6 of Count Two of this Information is here realleged as if fully set forth in this Count.

DESCRIPTION OF THE OFFENSE

3. Beginning at least as early as January 2000 and continuing until at least December 2002, the exact dates being unknown to the United States, the defendant and co-conspirators willfully combined, conspired, and agreed with each other to commit an offense against the United States, to wit:

(a) to corruptly give, offer and agree to give anything of value to any person, with intent to influence or reward an agent of a local government, which local government receives federal assistance in excess of $10,000 in a one-year period, in connection with any business, transaction, or series of transactions of such local government involving anything of value of $5,000 or more, in violation of Title 18, United States Code, Section 666 (a)(2).

4. It was an object of the conspiracy that the defendant and co-conspirators corruptly give, offer, or agree to give money with the intent to influence an employee of the New York City Department of Citywide Administrative Services ("DCAS"), an agency of the government of New York City, which local government receives federal assistance in excess of $10,000 in any one year

period, in the awarding of contracts, purchase orders, and/or change orders for plastic marine pilings on a project known as the Reconstruction of Pier 86 in the Borough of Manhattan, New York. The value of the contracts, purchase orders, and/or change orders for plastic marine pilings on the Reconstruction of Pier 86 exceeded $5,000.

MANNER AND MEANS OF THE CONSPIRACY

5. It was a part of the conspiracy that the defendant and co-conspirators added a "special commission" of ten percent to the price charged by the defendant's firm for work on the Reconstruction of Pier 86.

6. It was further part of the conspiracy that defendant and co-conspirators agreed to pay and did pay the "special commission" to a DCAS employee in order to influence the DCAS employee to use his position to direct purchase orders and/or change orders for work on the Reconstruction of Pier 86 to the defendant's firm.

OVERT ACTS

7. In furtherance of the conspiracy, and to effect the illegal objects thereof, the defendant and co-conspirators committed overt acts between January 2000 and December 2002, including the following:

(a) attended meetings, including at least one meeting in the Eastern District of Virginia, and engaged in discussions by telephone, facsimile and electronic mail;

(b) reached agreements to funnel money to a DCAS employee to ensure that the defendant's firm received work on the Reconstruction of Pier 86; and

(c) caused the defendant's firm to issue checks to one or more co-conspirators who agreed to funnel the money to the DCAS employee.

JURISDICTION AND VENUE

8. The combination and conspiracy charged in Count Three of this Information was carried out, in part, within the Eastern District of Virginia within the five years preceding the filing of this Information.

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

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