

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : Criminal No.
v. : Filed:
SANTI "SANDY" TRIMARCHI, : Violation: 18 U.S.C. § 371
Defendant. :

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INFORMATION

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

1. Santi "Sandy" Trimarchi ("Trimarchi") is hereby made a defendant on the charge stated below.

I. THE RELEVANT PARTIES AND ENTITIES

During the period covered by this Information:

2. Trimarchi resided in Queens, New York. Trimarchi was the chairperson of S&P Food Distributors Ltd. ("S&P").
3. S&P was a Subchapter S corporation located at Trimarchi's residence in Queens, New York. S&P was a vendor of food and non-food items.
4. "Customer-1" was a not-for-profit residential substance abuse treatment organization headquartered in Manhattan, New York. Customer-1 received a significant portion of its funding from the State of New York.
5. "Customer-2" was a not-for-profit organization headquartered in Manhattan, New York. Customer-2 provided residential and other support for the

mentally ill, mentally retarded, elderly, people with AIDS, and veterans with mental difficulties. Customer-2 received a significant portion of its funding from the State of New York.

6. "Customer-3" was a not-for-profit day care and after-school center located in Queens, New York. Customer-3 received a significant portion of its funding from the State of New York.

7. "CC-1" was a co-conspirator that was a corporation located in the Bronx, New York. CC-1 was a vendor of food and non-food items. Trimarchi, acting through S&P, served as an independent sales representative for CC-1.

8. 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.

9. 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

10. From approximately October 1993 until approximately December 1998,

the exact dates being unknown to the United States, the defendant and co-conspirators did unlawfully, willfully, and knowingly conspire, combine, confederate, and agree to commit offenses against the United States of America, to wit, to violate Title 18, United States Code, Sections 1341 and 1346.

11. It was a part and object of the conspiracy that Trimarchi and his co-conspirators, having devised and intending to devise a scheme and artifice to (a) defraud certain customers of S&P and CC-1; (b) obtain money and property from certain customers of S&P and CC-1 by means of false and fraudulent pretenses, representations, and promises; and (c) deprive certain customers of S&P and CC-1 of their right to the honest services of certain of their employees, executed the scheme and artifice by and through the use of the United States mails, in violation of Title 18, United States Code, Sections 1341 and 1346.

III. 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:

12. From approximately October 1993 until approximately December 1998, Trimarchi paid cash kickbacks on behalf of S&P, and also delivered cash kickbacks on behalf of CC-1, to co-conspirators who were employees with responsibility for purchasing on behalf of approximately nine customers of S&P or CC-1. These customers included Customer-1, Customer-2, and Customer-3. Trimarchi paid the

kickbacks -- a total of approximately \$35,000 -- in order to ensure that his company, or CC-1, would be allocated a portion of the total value of contracts awarded by those customers, and in order to permit him to charge those customers prices higher than he otherwise would have charged. The amount of the kickbacks was calculated according to a percentage -- between 2% and 10% -- of the value of orders those customers placed with S&P or with CC-1. The customers generally sent payments for the orders placed with S&P and CC-1 via the United States mails.

13. In addition to the kickbacks described in Paragraph 12 above, from approximately July 1996 until approximately April 1998, Trimarchi and a co-conspirator who was an employee at Customer-3 embezzled money from that entity. Trimarchi and this co-conspirator caused Customer-3 and S&P and CC-1 to issue false and fraudulent purchase orders and invoices. The purchase orders and invoices were false and fraudulent because they covered goods that were never intended to be, and never were, delivered. Trimarchi and the co-conspirator employee falsely certified that Customer-3 had received all of the goods described in those purchase orders and invoices, and thereby caused Customer-3 to pay the full amount stated in them. Customer-3 generally sent its payments on the S&P and CC-1 invoices to CC-1 via the United States mails. Trimarchi then gave to the co-conspirator employee cash amounting to 50% of the face value of the false and fraudulent invoices. The remainder was split between CC-1 and Trimarchi, with

CC-1 receiving 40% and Trimarchi receiving 10%.

IV. 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:

14. On numerous occasions between October 1993 and December 1998, Trimarchi gave cash to co-conspirators who were employees of Customer-1 at its headquarters in Manhattan, or at nearby restaurants or other meeting places.

15. On numerous occasions between October 1993 and December 1998, Trimarchi gave cash to a co-conspirator who was an employee of Customer-2 at its headquarters in Manhattan, or at nearby restaurants or other meeting places.

16. On numerous occasions between October 1993 and December 1998, Trimarchi gave cash to a co-conspirator who was an employee of Customer-3.

17. On numerous occasions between July 1996 and April 1998, Trimarchi caused CC-1 to issue false and fraudulent invoices at its offices in the Bronx, New York, to Customer-3, which that organization paid by checks sent to CC-1 via the United States mails.

18. On numerous occasions between October 1993 and December 1998, Customer-1, Customer-2, and Customer-3 mailed checks to CC-1 via the United States mails to pay invoices for goods received under the contracts affected by the kickbacks.

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

Dated:

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