

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 04 Cr. 96 (SCR)
v. : Filed: 2/4/04
VINCENT L. MURPHY, : Violation: 18 U.S.C. § 371
Defendant. :

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INFORMATION

CONSPIRACY
(18 U.S.C. § 371)

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

1. Vincent L. Murphy ("Murphy") is hereby made a defendant on the charge stated below.

I. THE RELEVANT PARTIES AND ENTITIES

During the period covered by this Information:

2. Murphy was a resident of Freehold, New Jersey. He was employed as a purchasing agent by MOL (America), Inc., formerly known as Mitsui O.S.K. Lines (America) ("Mitsui"), an international shipping company with offices in Edison, New Jersey. Murphy had responsibility at that location for ordering and purchasing office supplies, such as folders, paper clips, tape, packing material, paper, business cards, and copier toner.

3. Leonard N. Weiss ("Weiss") was a co-conspirator who was the owner and president of Parchment & Chrome, Inc. ("P&C"), a vendor of office supplies and business forms located in Nanuet, New York. Mitsui was one of P&C's largest customers.

II. DESCRIPTION OF THE OFFENSE

4. From approximately September 1997 until approximately March 2002, the exact dates being unknown to the United States, in the Southern District of New York and elsewhere, Murphy, Weiss, and others, known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States of America, to wit, to violate Title 18, United States Code, Sections 1341 and 1346.

5. It was a part and object of the conspiracy that Murphy, Weiss, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, including a scheme to deprive another of the intangible right of Murphy's honest services, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, unlawfully, willfully, and knowingly, for the purpose of executing such scheme and artifice and attempting to do so, would and did place in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and would and did take and receive therefrom such matters and things, and would and did knowingly cause to be delivered, by mail and such carriers according to the directions thereon, and at the places at which they were directed to be delivered by the persons to whom they were addressed, such matters and things, 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:

6. From approximately September 1997 until approximately March 2002, Murphy received substantial kickbacks from Weiss in exchange for awarding contracts for office supplies and business forms to P&C. Murphy received at least \$40,000 in kickbacks in the form of cash, entertainment tickets, and, at his direction and for his benefit, payments to third parties for automobile leases and housing expenses.

7. Weiss generated the money he paid to, and for the benefit of, Murphy by causing P&C to issue invoices to Mitsui that were false and fraudulent in that they purported to represent the sale of office supplies that were not intended to be delivered and were, in fact, never delivered to Mitsui. Murphy reviewed the false and fraudulent invoices and authorized them to be paid by Mitsui, knowing that not all the office supplies identified in the invoices had been delivered to Mitsui. The total value of the fraudulent invoices was at least \$80,000, twice the amount of the kickbacks that had been paid to or for the benefit of Murphy. The false and fraudulent invoices from P&C, and corresponding payments from Mitsui, were sent by and through the United States mails.

8. At no time did Murphy disclose his receipt of the kickbacks to Mitsui. All such payments were made without the knowledge or approval of Mitsui, and in violation of Murphy's fiduciary duties to Mitsui.

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:

9. On numerous occasions between September 1997 and March 2002, Murphy received cash from Weiss. In addition, during that period, at Murphy's direction and for

Murphy's benefit, Weiss caused P&C to make numerous payments to third parties in connection with automobile leases and housing expenses.

10. On numerous occasions between September 1997 and March 2002, Murphy and Weiss caused Mitsui to receive and pay numerous false and fraudulent invoices issued by P&C that sought payment for office supplies that had never been delivered. Weiss caused those invoices to be sent to Mitsui by and through the United States mails. Mitsui sent the corresponding payments by and through the United States mails.

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

Dated: 2/4/04

/s/ _____
R. HEWITT PATE
Assistant Attorney General

/s/ _____
RALPH T. GIORDANO
Chief, New York Office

/s/ _____
JAMES M. GRIFFIN
Deputy Assistant Attorney General

/s/ _____
REBECCA MEIKLEJOHN

/s/ _____
SCOTT D. HAMMOND
Director of Criminal Enforcement

/s/ _____
DOUGLAS M. TWEEN

Antitrust Division
U.S. Department of Justice

/s/ _____
ELIZABETH B. PREWITT

/s/ _____
DAVID N. KELLEY
United States Attorney
Southern District of New York

Attorneys, Antitrust Division
U.S. Department of Justice
26 Federal Plaza, Room 3630
New York, New York 10278
(212) 264-0654