

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT
E.D.N.Y.
INFORMATION

UNITED STATES OF AMERICA

Cr. No.
T. 15, U.S.C. § 1
18, U.S.C. § 371

- against -

WILSON FREIRE,

Defendant.

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CR 08 364

BIANCO, J.

LINDSAY, M.

CRIMINAL INFORMATION

THE UNITED STATES OF AMERICA, THROUGH ITS ATTORNEYS, CHARGES

THAT:

1. During the periods covered by this Information, Wilson Freire was the Government Contracts Manager of Peck & Hale, LLC (P&H). During the periods covered by this Information, P&H was an entity organized and existing under the laws of New York with its principal place of business in West Sayville, New York. During the periods set forth in this Information, P&H was a provider of military tiedown equipment and cargo securing systems to the Department of Defense.

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

Count I

DESCRIPTION OF THE OFFENSE

3. Beginning at least as early as December of 2002 and continuing until at least as late as January of 2004, 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 submitting non-competitive bids to the United States Navy on contracts for metal sling hoist assemblies.. The combination and conspiracy engaged in by the defendant and co-conspirators was in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

4. The charged combination and conspiracy consisted of an agreement, understanding, and concert of action among the defendant and co-conspirators, the substantial terms of which were to rig bids on contracts for metal sling hoist assemblies sold to the United States Navy for the purpose of raising the price paid by the Department of Defense for metal sling hoist assemblies.

MEANS AND METHODS OF THE CONSPIRACY

5. 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 regarding the sale of metal sling hoist assemblies to the United States Navy;
- (b) agreed during those meetings and discussions not to compete on certain contracts with the United States Navy either by not submitting prices or bids on those contracts, by alternating winning bids on those contracts, or by submitting intentionally high prices or bids on those contracts;
- (c) discussed and exchanged prices on certain contracts so as not to undercut one another's prices;
- (d) submitted bids in accordance with the agreements reached;
- (e) sold metal sling hoist assemblies to the United States Navy pursuant to those agreements at collusive and non-competitive prices; and
- (f) accepted payments for metal sling hoist assemblies sold at collusive and noncompetitive prices.

TRADE AND COMMERCE

6. A metal sling hoist assembly is a wire rope basket-type sling consisting of swaged legs on both free ends and two tensioning latches, which is used to hold items to be

transported, such as bombs and other munitions. Metal sling hoist assemblies are used in some form by all branches of the military and, in particular, they are frequently used by the Navy onboard aircraft carriers to transport missiles or bombs from where those weapons are stored to the planes or helicopters that will carry them. During the period covered by this Count, P&H and its co-conspirators were engaged in manufacturing and selling metal sling hoist assemblies to the U.S. Navy.

7. During the period covered by this Count, metal hoist sling assemblies sold by one or more of the conspirator firms, and equipment and supplies necessary to the production and distribution of metal sling hoist assemblies, as well as payments for metal sling hoist assemblies and necessary supplies, traveled in interstate commerce.

8. During the period covered by this Count, the business activities of defendant and his co-conspirators in connection with the production and sale of metal sling hoist assemblies that are the subject of this Count were within the flow of, and substantially affected, interstate trade and commerce.

JURISDICTION AND VENUE

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

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Count II

DESCRIPTION OF THE OFFENSE

10. Beginning at least as early as mid to late 2002 and continuing until at least as late as January of 2005, the exact dates being unknown to the United States, the defendant, his co-conspirators 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 41, United States Code, Section 53, in violation of Title 18, United States Code, Section 371. It was part and object of said conspiracy that the defendant and co-conspirators, did knowingly and willfully solicit and accept kickbacks, as defined in 41 U.S.C. § 52, from unindicted co-conspirators, in connection with one or more subcontracts to package, paint, manufacture or otherwise finish various parts sold to the United States Department of Defense.

MEANS AND METHODS OF THE CONSPIRACY

11. During the period covered by Count II of this Information, the defendant, and his co-conspirators participated in a scheme whereby the defendant, a higher-tiered contractor agreed to solicit and accept monies from lower-tiered subcontractors in return for awarding the lower-tiered

subcontractors work on the defendant's government contracts and subcontracts.

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

a. defendant and his co-conspirators solicited monies in-person and over the telephone from unindicted lower-tiered subcontractors;

b. defendant received monies from unindicted lower-tiered subcontractors; and

c. defendant awarded subcontracts to the unindicted lower-tiered subcontractors whom he had received monies from.

13. The defendant solicited and collected the kickbacks knowing that the kickback was provided for the purpose of improperly obtaining and rewarding favorable treatment in connection with a higher-tiered subcontract or prime contract with the United States Department of Defense.

OVERT ACT

14. In furtherance of the conspiracy and to effectuate the illegal objects thereof, the defendant received at least \$20,750 representing his share of the illicit proceeds of the conspiracy in the Eastern District of New York.

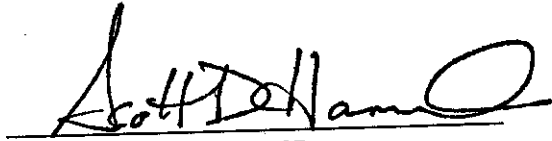
JURISDICTION AND VENUE

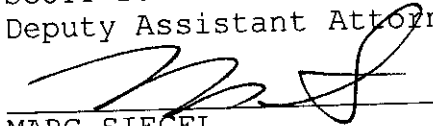
15. The conspiracy charged in Count II of this information was formed and carried out, in part, in the Eastern District of New York within the five years preceding the filing of this Information.

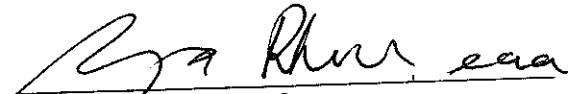
ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 371.

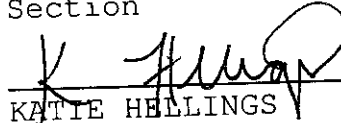
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