



4. In 1996 the city of Sioux Falls sought competitive bids from contractors for a water main cleaning and lining contract. One of the contractors invited to bid was Creamer Brothers, Inc.

## II.

### DEFENDANT

5. During the relevant time period, Andrew J. Vena was the Assistant Secretary and an estimator for Creamer Brothers, Inc. Creamer Brothers, Inc. is a New Jersey company located in Hackensack, New Jersey. Creamer Brothers, Inc. is a contractor who performs water main line cleaning and lining work throughout the country.

## III.

### DESCRIPTION OF THE OFFENSE

6. Beginning at least as early as February 1996 and continuing at least until mid-March 1996, the exact dates being unknown to the Grand Jury, Andrew J. Vena knowingly devised and intended to devise a scheme and artifice to defraud the city of Sioux Falls, South Dakota of its right to free and open competition.

7. It was part of the scheme and artifice to defraud that Andrew J. Vena would submit a noncompetitive rigged bid to the city of Sioux Falls for the 1996 water main line cleaning and lining contract.

8. It was further part of that scheme and artifice to defraud that Andrew J. Vena would receive a \$10,000 payment from a competitor of Andrew J. Vena's for its 1996 Sioux Falls water main cleaning and lining contract if, pursuant to the scheme, that competitor received the contract.

9. On or about February 29, 1996, Andrew J. Vena, for the purpose of executing and carrying out the scheme and artifice to defraud and attempting to do so,

did knowingly and willfully transmit and cause to be transmitted, by means of wire communication in interstate commerce, certain signs, signals or sounds; namely a telephone conversation between Andrew J. Vena in Stockton, New Jersey and the aforementioned competitor in Sioux Falls, South Dakota, in the District of South Dakota.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, §1343.

A TRUE BILL

Dated:

\_\_\_\_\_/s/\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_/s/\_\_\_\_\_  
JOEL I. KLEIN  
Assistant Attorney General

\_\_\_\_\_/s/\_\_\_\_\_  
JAMES E. GROSS

\_\_\_\_\_/s/\_\_\_\_\_  
GARY R. SPRATLING  
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\_\_\_\_\_/s/\_\_\_\_\_  
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\_\_\_\_\_/s/\_\_\_\_\_  
JOHN T. ORR  
Director of Criminal Enforcement

\_\_\_\_\_/s/\_\_\_\_\_  
MARVIN N. PRICE  
Assistant Chief  
Midwest Field Office

\_\_\_\_\_/s/\_\_\_\_\_  
KAREN E. SCHREIER  
United States Attorney  
District of South Dakota