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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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UNITED STATES OF AMERICA :

-v- :

HERBERT TANNENBAUM, :

JUDGE GREENE

INFORMATION

98 CRIM. 784

Defendant. :

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COUNT ONE

(Conspiracy To Violate Foreign Corrupt Practices Act)

Background

The United States Attorney charges:

1. At all times relevant to this Information, Tanner Management Corporation was a manufacturer of garbage incinerators and was located in Long Island, New York.

2. At all times relevant to this Information, HERBERT TANNENBAUM, the defendant, was the president of Tanner Management Corporation.

The Conspiracy

3. From in or about 1996, until on or about March 25, 1998, in the Southern District of New York and elsewhere, HERBERT TANNENBAUM, the defendant, and others known and unknown, unlawfully, wilfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate the Foreign Corrupt Practices Act of 1977, Title 15, United States Code, Sections 78dd-2(a)(1)(A) and (B).

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4. It was a part and object of the conspiracy that the defendant, HERBERT TANNENBAUM, and others known and unknown, being domestic concerns, as that term is defined in the Foreign Corrupt Practices Act, Title 15, United States Code Section 78dd-2(h)(1), unlawfully, wilfully and knowingly, would and did use the mails and means and instrumentalities of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, and authorization of the payment of money to foreign officials for the purposes of influencing acts and decisions of such foreign officials in their official capacities, inducing such foreign officials to do and omit to do acts in violation of the lawful duty of such officials, and inducing such foreign officials to use their influence with foreign governments and instrumentalities thereof to affect and influence acts and decisions of such governments and instrumentalities, in order to assist such domestic concerns in obtaining and retaining business for and with, and directing business to, any person.

Means And Methods Of The Conspiracy

5. Among the means and methods by which HERBERT TANNENBAUM, the defendant, and his coconspirators would and did carry out the conspiracy were the following:

6. HERBERT TANNENBAUM, the defendant, and his coconspirators offered to make secret payments to an undercover agent posing as a procurement officer of the Government of Argentina (the "Undercover Agent") in order to induce the agent to purchase garbage incinerators on behalf of the Government of Argentina.

7. HERBERT TANNENBAUM, the defendant, and his coconspirators offered to make secret payments to officials of foreign governments to induce those officials to purchase garbage incinerators on behalf of their countries.

8. HERBERT TANNENBAUM, the defendant, and his coconspirators incorporated a fictitious entity named Cybernet USA in order to disguise the secret payment to the Undercover Agent.

9. HERBERT TANNENBAUM, the defendant, and his coconspirators opened a bank account in the name Cybernet USA in order to disguise the secret payment to the Undercover Agent.

#### Overt Acts

10. In furtherance of said conspiracy and to effect the object thereof, HERBERT TANNENBAUM, the defendant, and others known and unknown, committed the following overt acts in the Southern District of New York and elsewhere:

a. On or about June 9, 1997, HERBERT TANNENBAUM, the defendant, met with a confidential informant and the Undercover Agent, whom the defendant believed was an official of the Government of Argentina, at the Park Lane Hotel in Manhattan.

b. On or about August 22, 1997, while in New York, HERBERT TANNENBAUM, the defendant, called a telephone number in Florida that the Undercover Agent had provided as a contact telephone number in the United States.

c. On or about October 7, 1997, in Long Island, New York, HERBERT TANNENBAUM, the defendant, offered to make a

payment to the Undercover Agent to obtain business, namely, a contract for the sale of a garbage incinerator to the Government of Argentina.

d. On or about November 6, 1997, in Westchester County, New York, HERBERT TANNENBAUM, the defendant, took \$16,000 in United States currency from the Undercover Agent.

(Title 18, United States Code, Section 371.)

  
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MARY JO WHITE  
United States Attorney