

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 13-
 :
 v. : 18 U.S.C. §§ 1341, 1346 & § 2
 :
 FRANK VICENDES : I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

At all times relevant to this Information:

1. Defendant FRANK VICENDES owned and operated Viva Group LLC ("Viva Group"), a commercial maintenance and construction business that sold, among other products, hardware, tools and accessories to counties in the State of New Jersey.

2. There was an individual who was the Director of the Division of Facilities Management for Union County, New Jersey (hereinafter, the "Director"). Union County's Division of Facilities Management was responsible for the management and maintenance of the buildings owned and operated by the County. The Division of Facilities Management was responsible for purchasing millions of dollars of products and services per year on behalf of the County. The Director oversaw the purchasing of building materials, tools, hardware, janitorial supplies and other supplies used by the various Bureaus of the Division of Facilities Management.

3. Union County and its citizens had an intangible

right to the honest services of their public officials. As a public official for Union County, the Director owed Union County and its citizens a duty to refrain from receiving bribes and kickbacks in exchange for the Director's official action and assistance.

4. From in or about January 2006 to in or about September 2010, in Somerset and Union Counties, in the District of New Jersey, and elsewhere, defendant

FRANK VICENDES

knowingly and intentionally did devise and intend to devise a scheme and artifice to defraud Union County and its citizens of (a) the right to the Director's honest services, and (b) money by means of materially false pretenses and representations.

5. The object of this scheme and artifice to defraud was for defendant FRANK VICENDES and the Director to deprive Union County of the honest services of the Director and of money through deceit and trickery.

6. It was part of the scheme and artifice to defraud that:

(A) Defendant FRANK VICENDES generated fictitious invoices to Union County for many hardware items. Defendant FRANK VICENDES did not order the products contained in these fictitious invoices from any supplier, and did not ship the products detailed in these invoices to Union County. Defendant ~~FRANK VICENDES~~ regularly hand delivered the fictitious invoices to the Director. After the invoices were received by the

Director, payment vouchers were generated by Union County and mailed to defendant FRANK VICENDES. Defendant FRANK VICENDES signed the vouchers and returned these vouchers to the Director without the merchandise. The Director approved the vouchers for payment by falsely verifying that the products were received by Union County and then forwarding the approved vouchers for payment. Union County regularly sent Viva Group checks by United States mail for these phony sales.

(B) To compensate the Director for his official action and assistance in the scheme, defendant FRANK VICENDES, for approximately the first six months of the scheme, provided half of the money that he received from Union County for fictitious invoices to the Director in cash. Later, defendant FRANK VICENDES provided the Director with his share of the proceeds in the form of gift cards, including \$1,000 gift cards to Lowe's and Sam's Club. In addition, the Director told defendant FRANK VICENDES to purchase and pay for the following products and services, among others, using the Director's share of the proceeds from the fraud: (1) on or about November 23, 2007, an oven range valued at approximately \$1,999; (2) on or about June 16, 2008, a Panasonic HDC-HS9 60 GB Hard Drive Camcorder valued at approximately \$749; (3) on or about December 27, 2008, a Bowflex physical fitness machine valued at approximately \$2,970; and (4) on or about June 10, 2009, a Canon PowerShot Digital Camera valued at approximately \$130.

7. Viva Group received more than \$120,000, but less

than or equal to \$200,000, in fraudulent proceeds from the fictitious invoices.

8. On or about the dates listed below, in Somerset and Union Counties, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud, defendant

FRANK VICENDES

knowingly and intentionally placed and caused to be placed in a post office and authorized depository for mail matters and things as set forth below to be sent and delivered by the United States Postal Service, and caused to be delivered thereon, these matters and things as follows:

Approximate Date	Amount of Check to Viva Group
January 14, 2009	\$7,856.81
April 7, 2010	\$15,899.95

In violation of Title 18, United States Code, Sections 1341 and 1346, and Section 2.

Paul J. Fishman /rah

PAUL J. FISHMAN
UNITED STATES ATTORNEY

CASE NUMBER: _____

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INFORMATION FOR

Title 18, United States Code, Sections 1341, 1346 & Section 2

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