

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Criminal No.
CHRISTINA THARPE : Title 18, United States Code,
Section 1027

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:

1. At all times relevant to this Information:

a. New Jersey Bricklayers and Allied Craftworkers, (hereinafter the Bricklayers Union) located Bordentown, New Jersey 08505 was a "labor organization" within the meaning of the provisions of Title 29, United States Code, Sections 152(5), 402(i), and 402(j) and an "employee organization" within the meaning of Title 29, United States Code, Section, 1002(4). The Bricklayers Union represented, sought to represent, and would have admitted to membership those individuals who worked in the concrete and masonry industry.

b. The Bricklayers Union, through its officers and agents, entered into collective bargaining agreements (hereinafter "CBAs") with employers that employed concrete and masonry workers. These agreements contained provisions

pertaining to conditions of employment, such as rates of pay and fringe benefits.

c. New Jersey Bricklayers and Allied Craftworkers Health Fund and the Bricklayers and Trowel Trades International Pension Fund (hereinafter "the benefit funds"), located in Fairfield, New Jersey, were employee benefit plans within the meaning of the Employee Retirement Income Security Act of 1971 (hereinafter "ERISA"), Title 29, United States Code, Sections 1002(1) and (3) and were subject to the provisions of Title I of ERISA. The administrator of such an employee benefit plan was required to file an annual financial report, Form 5500 series, with the Secretary of Labor pursuant to 29 U.S.C. § 1021(b) and § 1024.

d. Defendant CHRISTINA THARPE was the President of Tharpe-Ferraro, Inc. (hereinafter TFI). As President, she was a signatory to the Bricklayers CBA which obligated her to abide by all conditions of the agreement, including the remittance of all employee fringe benefit contributions. Specifically, she was obligated to remit to the benefit funds contributions for any employees working on a covered project, for the life of the CBA, regardless of whether said employee was a union member or not.

e. In July 2005, while subject to the Bricklayers CBA, CHRISTINA THARPE entered into a subcontractor agreement with Chelsea View Associates, LLC (CVA) to perform brick mason and/or concrete services for a series of three-story townhome buildings

being built by CVA in Atlantic City, New Jersey.

2. On or about October 25, 2006, in Atlantic County, in the District of New Jersey and elsewhere, defendant

CHRISTINA THARPE

knowingly and willfully made, and caused to be made, false statements and representations in a document required by ERISA to be published and kept as part of the records of an employee welfare and pension benefit plan, namely, the Bricklayers benefit funds, and certified to the administrator of such plans, and concealed, covered up, and failed to disclose facts, namely the number of employees and amount of hours worked on the Chelsea View Project, the disclosure of which facts was required by such title, and was necessary to verify, explain, clarify, and check for accuracy and completeness in a report required by such title to be published and information required to be certified, to wit, the Form 5500, as referred to in Paragraph 1(c) of this Information.

3. On or about October 25, 2006, Defendant CHRISTINA THARPE submitted benefit fund remittance forms for the months of July, August and September, 2006, which falsely represented the number of employees and the amount of hours TFI bricklayers

worked on the Chelsea View Project.

In violation of Title 18, United States Code, Section
1027.

A handwritten signature in blue ink, reading "Paul J. Fishman". The signature is written in a cursive style with a horizontal line underneath the name.

PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

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CHRISTINA THARPE

INFORMATION

18 U.S.C. § 1027

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