

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 23-
	:	
JAMES CAI	:	18 U.S.C. § 1001(a)(2)
	:	18 U.S.C. § 2

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, unless otherwise indicated:
 - a. Defendant James Cai (“defendant CAI”) was the Chief Executive Officer and sole owner of Toner Connect LLC (“Toner Connect”), a company located in or around Passaic, New Jersey.
 - b. The U.S. Army (hereinafter, the “Army”) was a department of the executive branch of the Government of the United States.
 - c. From in or about September 2018 through in or about January 2019, Toner Connect submitted bids and obtained contracts to supply various Army installations with forklifts. The contracts required that the forklifts be compliant with the Buy American Act (the “BAA”).
 - d. To be compliant with the BAA, the forklifts had to meet two requirements: (1) they had to be manufactured in the United States; and (2) at least 50% of the cost of the forklift components had to be of U.S. origin.

e. Among the forklift contracts entered into between defendant CAI and the Army was an approximately \$247,000 contract awarded on or about January 7, 2019, to provide two FD150 diesel forklifts (“FD150 Forklifts”) to an Army installation formerly known as Fort Hood (“Fort Hood”), which was located in or around Killeen, Texas.

f. Despite the BAA clause in the contracts, and in order to reduce costs, defendant CAI procured certain of the forklifts from a company based in or around Shanghai, China. The forklifts entered the United States via cargo vessels through various U.S. ports, including in or around Newark, New Jersey, and Houston, Texas. Once in port, a freight forwarder transported the forklifts to various Army installations.

g. In order to conceal the origin of these forklifts and make them appear compliant with the BAA, defendant CAI installed, and caused to be installed, data plates on certain of the forklifts that falsely stated:

Final Assembly in the USA
Millennial Enterprise LLC
Newark, NJ 07102
North American Headquarters.

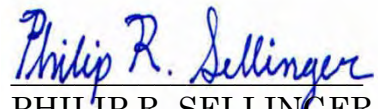
h. Among the forklifts that bore such a false data plate were the FD150 Forklifts, which were delivered to Fort Hood on or about August 26, 2019. Subsequent to the delivery of these forklifts, Fort Hood personnel discovered that the forklifts had multiple operational problems and could not be repaired due to the concealment of their true make and model.

2. On or before August 26, 2019, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

JAMES CAI,

did knowingly and willfully make materially false, fictitious, and fraudulent statements in a matter within the jurisdiction of the executive branch of the Government of the United States.

In violation of Title 18, United States Code, Section 1001(a)(2), and Title 18, United States Code, Section 2.


PHILIP R. SELLINGER
United States Attorney