

JB/2019R01128

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

KEITH FISHER, SR.,
a/k/a "Larry Rosenberg"

Crim. No. 20-480 (RMB)

18 U.S.C. § 1341

INDICTMENT

RECEIVED

JUN 10 2020

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The Grand Jury in and for the District of New Jersey, sitting at Camden, charges:

At all times relevant to this indictment:

Defendant and Entities

1. Defendant KEITH FISHER, SR., a/k/a "Larry Rosenberg" resided in either Philadelphia, Pennsylvania, or Burlington, New Jersey.
2. Atlantic Safety Corporation (hereinafter, "Atlantic Safety") was a Delaware corporation incorporated in 2014. Defendant KEITH FISHER, SR. was the president of Atlantic Safety.
3. TCI Technologies, Inc. (hereinafter, "TCI") was a Delaware corporation incorporated in 2012. Defendant KEITH FISHER, SR. controlled TCI.
4. The System for Award Management (hereinafter, "SAM") was the official U.S. government system that aided procurement for U.S. government agencies. Vendors doing business with U.S. government agencies are required to register in SAM. Atlantic Safety was registered in SAM, and defendant KEITH FISHER, SR. was the point of contact in SAM for Atlantic Safety.

5. Unison was a privately held company that operated a reverse auction online marketplace known as Unison Marketplace. In general, government agencies posted requirements for goods or services through Unison Marketplace. Unison Marketplace communicated offers from vendors to representatives of government agencies who then awarded a contract to the vendor with the winning bid. Atlantic Safety was registered in Unison Marketplace.

6. Vendor 1 was a company located in Arizona that sold patio furniture.

7. Vendor 2 was a company located in Nevada that sold school furniture, including furniture manufactured and distributed by Vendor 3, a company located in Clifton, New Jersey.

The Scheme to Defraud

8. From on or about June 3, 2019, through on or about January 10, 2020, in the District of New Jersey and elsewhere, defendant

KEITH FISHER, SR.,
a/k/a "Larry Rosenberg,"

did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises ("the scheme to defraud"), as set forth below.

Object of the Scheme to Defraud

9. The object of the scheme to defraud was for defendant KEITH FISHER, SR. to obtain money from U.S. government agencies by securing

contracts to provide goods to those agencies, and, thereafter, inducing third-party vendors to provide these goods to the agencies on credit, all based on false pretenses, representations and promises, including but not limited to false representations to SAM, false representations to the vendors, and false promises to pay the vendors for the goods.

Manner and Means of the Scheme to Defraud

10. It was part of the scheme to defraud that defendant KEITH FISHER, SR. established, controlled, and utilized Atlantic Safety for the purpose of bidding on contracts with U.S. government agencies.

11. It was further part of the scheme to defraud that, on or about June 3, 2019, defendant KEITH FISHER, SR. registered and activated Atlantic Safety in SAM. In doing so, defendant FISHER falsely certified that (a) he had not within a three-year period, been convicted of a commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; and (b) the company was veteran owned, woman owned, and Asian-Pacific American owned. In fact, on or about July 18, 2017, defendant FISHER was convicted of conspiracy to commit mail fraud in connection with performing federal government contracts.

12. It was further part of the scheme to defraud that in July and August 2019, defendant KEITH FISHER, SR. created an alias, "Larry Rosenberg," and added "Larry Rosenberg" as a seller representative of Atlantic Safety in its Unison Marketplace account.

13. It was further part of the scheme to defraud that defendant KEITH FISHER, SR. bid on contracts with U.S. government agencies. Specifically, between on or about September 26, 2019 and September 30, 2019, defendant FISHER, through Atlantic Safety and using Unison Marketplace, bid on and was awarded a contract with the U.S. State Department, in which Atlantic Safety was obligated to deliver furniture to a State Department warehouse in North Brunswick, New Jersey, for subsequent delivery abroad, and the State Department was obligated to pay Atlantic Safety \$8,756.60 upon receipt of those goods.

14. It was further part of the scheme to defraud that, upon being awarded the State Department contract, defendant KEITH FISHER, SR. contacted Vendor 1, Vendor 2, and other potential vendors to actually provide the furniture to the State Department pursuant to the awarded contract.

15. It was further part of the scheme to defraud that, on or about November 11, 2019, defendant KEITH FISHER, SR. signed a contract on behalf of Atlantic Safety with a company that provided call and facsimile forwarding services. Defendant FISHER obtained multiple phone and facsimile numbers by which defendant FISHER could communicate with potential vendors while concealing his role in the communications.

16. It was further part of the scheme to defraud that defendant KEITH FISHER, SR. used aliases, including "Larry Rosenberg," when negotiating with Vendor 1, Vendor 2, and other potential vendors.

17. It was further part of the scheme to defraud that defendant KEITH

FISHER, SR. sought to induce potential vendors to ship the goods to the State Department on credit (rather than pre-payment) by making false and fraudulent representations to the vendors regarding Atlantic Safety's credit-worthiness and business history. For example, on or about November 14, 2019, defendant FISHER responded to Vendor 1 with a false and fraudulent facsimile purportedly from TCI indicating that Atlantic Safety opened an account with TCI in 2008 and most recently ordered from TCI on October 2, 2019.

18. It was further part of the scheme to defraud that defendant KEITH FISHER, SR. sought to induce potential vendors to ship the goods to the State Department on credit (rather than pre-payment) by falsely promising to pay the vendors for the goods. For example, on or about January 2, 2020, defendant KEITH FISHER, SR. sent a purchase order to Vendor 2 in which Atlantic Safety promised to pay \$16,380 to Vendor 2 within 30 days ("Net 30") of Vendor 2 shipping furniture directly to the State Department warehouse in North Brunswick, New Jersey, per the contract awarded to Atlantic Safety.

19. It was further part of the scheme to defraud that defendant KEITH FISHER, SR., based on false representations and promises, caused Vendor 3 to ship, on behalf of Vendor 2, approximately 25 folding chairs and 20 blow-molded folding tables to the State Department warehouse in North Brunswick, New Jersey, using an interstate freight shipping company in Lakewood, New Jersey, per the contract awarded to Atlantic Safety.

The Charge

20. On or about January 8, 2020, in the District of New Jersey and elsewhere, defendant

KEITH FISHER, SR.,
a/k/a "Larry Rosenberg,"

for the purpose of executing and attempting to execute the scheme to defraud, did knowingly and intentionally cause to be delivered by a private and commercial interstate carrier according to the direction thereon and at the place at which it was directed to be delivered by the person to whom it was addressed the following:

From	To	Via	Item
Vendor 2 via Vendor 3	State Department warehouse in North Brunswick, New Jersey	Freight shipping company in Lakewood, New Jersey	approximately 25 folding chairs and 20 blow-molded folding tables

In violation of Title 18, United States Code, Section 1341.

A TRUE BILL

FOREPERSON

Craig Carpenito by AC

CRAIG CARPENITO
United States Attorney

CASE NUMBER: 20-cr-480

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District of New Jersey

UNITED STATES OF AMERICA

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KEITH FISHER, SR.,
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INDICTMENT FOR

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