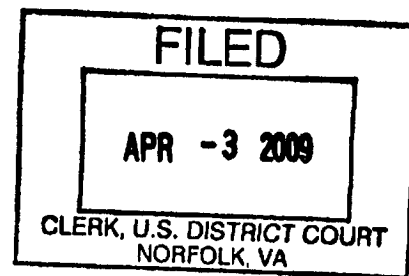


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division



UNITED STATES OF AMERICA

v.

TODD M. MOSIMAN,

Defendant.

Criminal No. 2:09cr 47

18 U.S.C. § 371
Conspiracy to Defraud
the United States

CRIMINAL INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

I. INTRODUCTORY ALLEGATIONS

1. Defendant Todd M. MOSIMAN resided in the Eastern District of Virginia throughout calendar years 2004 and 2005, and lived in Virginia Beach, Virginia.
2. During at least the calendar years 2004 and 2005, the United States Navy's Elevator Support Unit ("ESU") project was handled by a prime contractor, a limited liability corporation in the Eastern District of Virginia (hereinafter referred to as "PC"). PC's contract with the Navy required it to provide engineering, technical and repair support to maintain elevator equipment on Navy aircraft carriers and support vessels. Pursuant to PC's contract with the Navy, PC assisted the Navy in material procurement. When materials were needed for elevator repair or maintenance, PC's personnel solicited quotes from vendors. To maintain a competitive procurement process, PC's personnel routinely solicited three quotes for purchases over \$2,500. For each procurement, PC's personnel forwarded quotes PC had received to the Navy and recommended that the Navy enter into contracts with the low bidder. The Navy then entered into

a contract with the recommended vendor and purchased materials pursuant to the contract (hereinafter referred to as an "ESU-related Material Contract").

3. From at least as early as June 2004 through at least October 2005, MOSIMAN was an owner of an unincorporated company ("Vendor-1") which had its principal place of business in Chesapeake, Virginia, and that had bid for ESU-related Material Contracts.

4. During the period beginning sometime prior to June 2004 until at least October 2005, PC employed a person (hereinafter referred to as "CO-CONSPIRATOR A") who was ultimately responsible for determining which vendors PC's personnel would solicit for quotes and which vendors they would recommend to the Navy for ESU-related Material Contracts. CO-CONSPIRATOR A also selected and supervised the employees of PC who were involved in this solicitation and recommendation process. CO-CONSPIRATOR A was also involved in the determination of what materials were needed for elevator repair or maintenance. As an employee of PC, CO-CONSPIRATOR A was not permitted to engage in any private business or professional activity or to enter into any financial transaction that involved the direct or indirect use of information that was not available to the public, and was not permitted to use his/her position with PC in any way to induce anyone to provide any benefit either to CO-CONSPIRATOR A or to anyone else.

II. CONSPIRACY

5. From at least as early as June 2004, continuing until at least March 2005, in at least the Eastern District of Virginia, MOSIMAN and CO-CONSPIRATOR A knowingly and willfully conspired and agreed to defraud the United States Navy by, among other things, having CO-CONSPIRATOR A circumvent the competitive procurement process for ESU-related Material

Contracts and steer ESU-related Material Contracts to Vendor-1. This conspiracy was in violation of Title 18, United States Code, Section 371.

**III. THE MANNER AND MEANS BY
WHICH THE CONSPIRACY WAS CARRIED OUT**

6. It was part of the conspiracy that MOSIMAN and CO-CONSPIRATOR A agreed to and did create Vendor-1.

7. As part of the conspiracy, it was further agreed, among other things, that:

(a) CO-CONSPIRATOR A, through CO-CONSPIRATOR A's position at PC, would assist Vendor-1 in winning ESU-related Material Contracts for fabricated metal, by among other things:

(i) directing CO-CONSPIRATOR A's subordinates at PC to solicit MOSIMAN to submit quotes on behalf of Vendor-1 to sell fabricated metal (including but not limited to filler tracks and universal joints) for ESU-related Material Contracts; and

(ii) talking with MOSIMAN concerning the amount Vendor-1 would quote before MOSIMAN would submit any quote to PC for ESU-related Material Contracts;

(b) MOSIMAN and CO-CONSPIRATOR A would have joint access to Vendor-1's bank account, including the proceeds from Vendor-1's sales to the Navy pursuant to ESU-related Material Contracts;

(c) MOSIMAN would present himself to PC and the Navy as being the sole owner and president of Vendor-1; and

(d) MOSIMAN and CO-CONSPIRATOR A would conceal CO-CONSPIRATOR A's involvement with Vendor-1 from PC and the Navy.

IV. OVERT ACTS

8. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Eastern District of Virginia and elsewhere:

(a) On or about June 30, 2004, MOSIMAN and CO-CONSPIRATOR A opened a joint bank account for Vendor-1 at Monarch Bank, 750 Volvo Parkway, Chesapeake, VA (hereinafter referred to as "Vendor-1's Monarch Bank Account"). The title of this account bore the name of Vendor-1 and the signatories were MOSIMAN and CO-CONSPIRATOR A, both of whom were listed as partners. Pursuant to the Partnership Resolution of Authority signed by MOSIMAN and CO-CONSPIRATOR A in connection with Vendor-1's Monarch Bank Account, MOSIMAN and CO-CONSPIRATOR A each had full access rights and all powers relating to this bank account throughout the period of at least June 30, 2004 until the account was closed on October 14, 2005, including the power to "endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with [Monarch Bank]."

(b) On or about the dates listed in column D of the following chart,

(i) CO-CONSPIRATOR A directed a subordinate at PC to contact MOSIMAN to submit quotes on behalf of Vendor-1 for the ESU-related Material Contracts identified in Column A;

(ii) CO-CONSPIRATOR A, either directly or indirectly, instructed MOSIMAN regarding how much to quote for those contracts based on information not available to other bidders; and

(iii) MOSIMAN submitted quotes on behalf of Vendor-1 for those contracts based on CO-CONSPIRATOR A's instructions:

A	B	C	D	E	F
Contract #	Award Amount	Product(s)	Date of Final Quote by Vendor-1	Invoice Date	Date that Navy's Payment of Award Amount was credited to Vendor-1's Monarch Bank Account
N62793-04-M-P269	\$8,384.00	16 Spring Rollers; 32 Bushings	8/3/2004	8/23/2004	9/2/2004
4243-LR51, 52	\$894.00	4 Clevises; 4 Pins	8/25/2004	9/1/2004	9/2/2004
N62793-04-M-P297	\$2,766.96	12 Guide Rollers; 12 Pins	8/31/2004	9/23/2004	2/25/2005
N62793-04-M-P325	\$50,087.00 (final quote for universal joints: \$39,495.00) (quote for spring rollers and bushings: \$10,592.00)	150 Universal Joints; 16 Spring Rollers and 32 Bushings	9/16/2004	10/1/2004	10/12/2004
N62793-04-M-P342	\$52,500.00	150 Filler Tracks	9/24/2004	11/9/2004	12/13/2004
N62793-04-M-P346	\$52,500.00	150 Filler Tracks	9/24/2004	1/26/2005	3/9/2005

(c) On or about the dates listed in column E of the chart in paragraph 8(b), MOSIMAN

created invoices that he submitted to the Navy to collect payments for the ESU-related Material Contracts identified in Column A; and

(d) On or about the dates listed in Column F of the chart in paragraph 8(b), funds were transferred on behalf of the Navy to Vendor-1's Monarch Bank Account in payment for the materials Vendor-1 sold to the Navy pursuant to the ESU-related Materials Contracts identified in Column A.

V. JURISDICTION AND VENUE

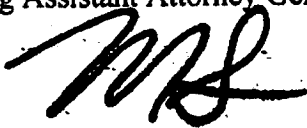
9. The charged conspiracy was formed and carried out, at least in part, within the Eastern District of Virginia within the five years preceding the filing of this Criminal Information.

(All in violation of Title 18, United States Code, Section 371.)

Dated: 04/03/09

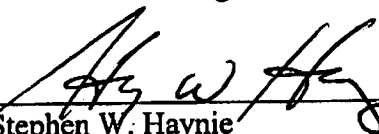


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Acting Assistant Attorney General



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Director of Criminal Enforcement
Antitrust Division
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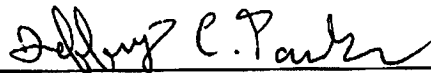
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