

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA)	
)	Criminal No. WI 06 153 PHX NVW
v.)	
)	Filed: 07/20/06
KEVIN TOSH,)	
)	Violation: 18 U.S.C. § 1001
)	
Defendant.)	
_____)	

CRIMINAL INFORMATION

The United States of America, acting through its attorneys, charges:

I.

1. On or about July 23, 2001, defendant, Kevin Tosh (“Defendant”) did knowingly and willfully make and cause to be made a materially false, fictitious and fraudulent statement and representation, specifically a false reference, in a matter within the jurisdiction of the executive branch of the United States by submitting a bid on behalf of his employer to the United States Coast Guard Civil Engineering Unit (the “Coast Guard”), then an agency of the United States Department of Transportation, for a mechanical rehabilitation project in Portsmouth, Virginia, in which Defendant falsely represented that his employer had performed a prior fire sprinkler retrofit project, when in truth and fact it had not.

2. On or about June 20, 2001, the Coast Guard issued a bid solicitation for the mechanical rehabilitation of a sandblast building, designated Solicitation No. DTCG83-3WF280 (the “Coast Guard project”), in Portsmouth, Virginia. The bid solicitation for the Coast Guard project required each bidding party to provide three references for prior jobs performed by the bidding party.

3. In response to the bid solicitation for the Coast Guard project, Defendant caused a subordinate to prepare a bid that included three job references, including a fire sprinkler retrofit project. At the time he directed the subordinate to include the job references in the Coast Guard project bid, Defendant was aware that the fire sprinkler retrofit job reference was false, fictitious and fraudulent in that his employer had never performed the fire sprinkler retrofit identified in the job reference.

4. On or about July 23, 2001, the Coast Guard bid, which contained the false, fictitious and fraudulent job reference, was signed on Defendant's behalf with his authorization and sent from his offices in Mesa, Arizona to the Coast Guard's offices in Cleveland, Ohio.

II.

Jurisdiction and Venue

5. The offense charged was formed and carried out, in part, within the District of Arizona within the five years preceding the filing of this information.

IN VIOLATION OF TITLE 18 UNITED STATES CODE SECTION 1001.

DATED: _____

_____/s/
THOMAS O. BARNETT
Assistant Attorney General

_____/s/
PAUL CHARLTON
United States Attorney
District of Arizona

_____/s/
SCOTT D. HAMMOND
Deputy Assistant Attorney General

_____/s/
LISA M. PHELAN
Chief, National Criminal
Enforcement Section

_____/s/
MARC SIEGEL
Director of Criminal Enforcement
Antitrust Division
U.S. Department of Justice

_____/s/
PETER H. GOLDBERG
BRENT SNYDER
U.S. Department of Justice
Antitrust Division
1401 H Street, N.W., Suite 3700
Washington, D.C. 20530
Ph: (202) 307-5784
Fax: (202) 514-6525