

IN THE COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO

STATE OF OHIO

Plaintiff,

v.

TIMOTHY O'BRIEN

Defendant.

CASE NO. B1203330A

INFORMATION FOR:

Conspiracy Against Trade (1331.04 R.C.)(3 cts.)

ENTERED

OCT 25 2012

INFORMATION

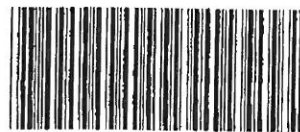
Now comes Joseph T. Deters, the duly qualified Prosecuting Attorney of said County, and by way of Information says that the Defendant engaged in the following conduct:

COUNT ONE – CONSPIRACY AGAINST TRADE

Beginning at least as early as June 12, 2003 and continuing to on or about July 30, 2008 within the county of Hamilton, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the county aforementioned, Timothy O'Brien engaged in a conspiracy against trade for the sale of equipment and supplies for traffic control systems within the State of Ohio. The conspiracy against trade engaged in by defendant Timothy O'Brien and his co-conspirators was an unreasonable restraint of trade and commerce in violation of Section 1331.04 of the Ohio Revised Code, a misdemeanor of the first degree.

The charged conspiracy, or combination of acts, included actions the purpose and effect of which were to:

- (i) create and carry out restrictions in trade and commerce; and/or
- (ii) increase the price of commodities; and/or
- (iii) prevent competition in the sale of merchandise and commodities; and/or
- (iv) carry out agreements whereby the defendant and his co-conspirators established and settled the price of commodities between themselves so as to directly preclude free and unrestricted competition among themselves in the sale of such commodities.



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For the purpose of forming and carrying out the charged conspiracy against trade, Timothy O'Brien and his co-conspirators did those things they combined and conspired to do, including, among other things:

- (i) engaging in discussions concerning the bid prices of equipment and supplies for traffic control systems to be submitted to the Ohio Department of Transportation and municipal corporations (collectively referred to as "public entities") located in Ohio;
- (ii) agreeing during those discussions to submit rigged bids at predetermined price levels with a predetermined bid winner;
- (iii) submitting rigged bids at predetermined agreed upon prices to public entities located in Ohio; and
- (iv) receiving payment from public entities located in Ohio for sales of equipment and supplies for traffic control systems in transactions on which Timothy O'Brien and his co-conspirators submitted rigged bids.

#### COUNT TWO – CONSPIRACY AGAINST TRADE

Beginning at least as early as June 12, 2003 and continuing to on or about July 30, 2008 within the county of Hamilton, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the county aforementioned, Timothy O'Brien engaged in a conspiracy against trade for the sale of equipment and supplies for traffic control systems within the State of Ohio. The conspiracy against trade engaged in by defendant Timothy O'Brien and his co-conspirators was an unreasonable restraint of trade and commerce in violation of Section 1331.04 of the Ohio Revised Code, a misdemeanor of the first degree.

The charged conspiracy, or combination of acts, included actions the purpose and effect of which were to:

- (i) create and carry out restrictions in trade and commerce; and/or
- (ii) increase the price of commodities; and/or
- (iii) prevent competition in the sale of merchandise and commodities; and/or
- (iv) carry out agreements whereby the defendant and his co-conspirators established and settled the price of commodities between themselves so as to directly preclude free and unrestricted competition among themselves in the sale of such commodities.

For the purpose of forming and carrying out the charged conspiracy against trade, Timothy O'Brien and his co-conspirators did those things they combined and conspired to do, including, among other things:

- (i) engaging in discussions concerning the bid prices of equipment and supplies for traffic control systems to be submitted to the Ohio Department of Transportation and municipal corporations (collectively referred to as "public entities") located in Ohio;
- (ii) agreeing during those discussions to submit rigged bids at predetermined price levels with a predetermined bid winner;
- (iii) submitting rigged bids at predetermined agreed upon prices to public entities located in Ohio; and
- (iv) receiving payment from public entities located in Ohio for sales of equipment and supplies for traffic control systems in transactions on which Timothy O'Brien and his co-conspirators submitted rigged bids.

#### COUNT THREE – CONSPIRACY AGAINST TRADE

Beginning at least as early as June 12, 2003 and continuing to on or about July 30, 2008 within the county of Hamilton, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the county aforementioned, Timothy O'Brien engaged in a conspiracy against trade for the sale of equipment and supplies for traffic control systems within the State of Ohio. The conspiracy against trade engaged in by defendant Timothy O'Brien and his co-conspirators was an unreasonable restraint of trade and commerce in violation of Section 1331.04 of the Ohio Revised Code, a misdemeanor of the first degree.

The charged conspiracy, or combination of acts, included actions the purpose and effect of which were to:

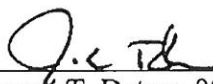
- (i) create and carry out restrictions in trade and commerce; and/or
- (ii) increase the price of commodities; and/or
- (iii) prevent competition in the sale of merchandise and commodities; and/or
- (iv) carry out agreements whereby the defendant and his co-conspirators established and settled the price of commodities between themselves so as to directly preclude free and unrestricted competition among themselves in the sale of such commodities.

For the purpose of forming and carrying out the charged conspiracy against trade, Timothy O'Brien and his co-conspirators did those things they combined and conspired to do, including, among other things:

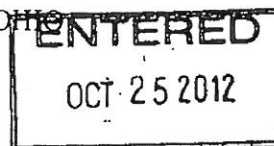
- (i) engaging in discussions concerning the bid prices of equipment and supplies for traffic control systems to be submitted to the Ohio Department of Transportation and municipal corporations (collectively referred to as "public entities") located in Ohio;
- (ii) agreeing during those discussions to submit rigged bids at predetermined price levels with a predetermined bid winner;
- (iii) submitting rigged bids at predetermined agreed upon prices to public entities located in Ohio; and
- (iv) receiving payment from public entities located in Ohio for sales of equipment and supplies for traffic control systems in transactions on which Timothy O'Brien and his co-conspirators submitted rigged bids.

ALL IN VIOLATION OF OHIO REVISED CODE SECTION 1331.04.

JOSEPH T. DETERS  
PROSECUTING ATTORNEY

  
\_\_\_\_\_  
Joseph T. Deters, 0012084  
Prosecuting Attorney  
230 East Ninth Street, Suite 4000  
Cincinnati, Ohio 45202  
513/946-3006

IN THE COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO



STATE OF OHIO

Plaintiff,

v.

QUATTRO INC.

Defendant.

CASE NO. B1203330B

INFORMATION FOR:

**Organizational Criminal Liability** (2901.23 R.C.)

Prohibition Against Entering Into an Unlawful  
Combination, Contract, or Agreement (1 ct.)

Tampering with Records (1 ct.)

Telecommunications Fraud (1 ct.)

Money Laundering (1 ct.)

INFORMATION

Now comes Joseph T. Deters, the duly qualified Prosecuting Attorney of said County, and by way of Information says that the Defendant herein engaged in the following conduct:

COUNT ONE: PROHIBITION AGAINST ENTERING INTO AN UNLAWFUL  
COMBINATION, CONTRACT OR AGREEMENT

Beginning at least as early as June 12, 2003 and continuing to on or about July 30, 2008 within the county of Hamilton, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the county aforementioned, Quattro Inc. did knowingly enter a combination, contract, or agreement with Bain Industries/Bain Enterprises and other unnamed co-conspirators with the intent to limit or fix the price of an article of commerce, to wit: the sale of equipment and supplies for traffic control systems in violation of Section 1331.02 of the Ohio Revised Code, a felony of the fifth degree.

COUNT TWO: TAMPERING WITH RECORDS

Beginning at least as early as June 12, 2003 and continuing to on or about July 30, 2008, within the county of Hamilton, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the county aforementioned, Quattro Inc. knowing that it had no privilege to do so, and knowing that it was facilitating a fraud, did utter a writing or record; to wit: bids to limit or fix the price of an article of commerce were submitted to Ohio public entities. The commission of the offense was authorized and/or performed by a high managerial officer or employee acting in behalf of the organization and within the scope of his employment.



Defendant uttered the bids knowing that the writing or records were falsified or altered, and the writing or record is kept or belongs to a local, state or federal governmental entity, to wit: the Ohio Department of Transportation and the City of Hudson in violation of Section 2913.42(A)(2) of the Ohio Revised Code, a felony of the third degree.

#### COUNT THREE: TELECOMMUNICATIONS FRAUD

Beginning at least as early as June 12, 2003 and continuing to on or about July 30, 2008, within the county of Hamilton, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the county aforementioned, Defendant Quattro Inc. knowing that it had no privilege to do so, and having devised a scheme to defraud, to wit: price fixing, knowingly disseminated, transmitted, or caused to be disseminated or transmitted by means of wire, telecommunication, telecommunications device, or telecommunications service a writing, data, sign, signal, picture, sound, or image; to wit: bids to limit or fix the price of an article of commerce.

The commission of the offense was authorized and/or performed by a high managerial officer or employee acting in behalf of the organization and within the scope of his employment. The bids were transmitted or disseminated with the purpose to execute or otherwise further the scheme to defraud and the value of the benefit obtained by Defendant Quattro Inc. is one thousand dollars or more but less than seven thousand five hundred dollars in violation of Section 2913.05 of the Ohio Revised Code, a felony of the fourth degree.

#### COUNT FOUR: MONEY LAUNDERING

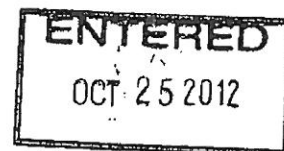
Beginning at least as early as May 14, 2007 and continuing to on or about June 22, 2007, within the county of Hamilton, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the county aforementioned, Defendant Quattro Inc. conduct a transaction with purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment or carrying on of corrupt activity in violation of Section 1315.55(A)(3) of the Ohio Revised Code, a felony of the third degree.

The commission of the offense was authorized and/or performed by a high managerial officer or employee acting in behalf of the organization and within the scope of his employment.

JOSEPH T. DETERS  
PROSECUTING ATTORNEY

  
\_\_\_\_\_  
Joseph T. Deters, 0012084  
Prosecuting Attorney  
230 East Ninth Street, Suite 4000  
Cincinnati, Ohio 45202  
513/946-3006

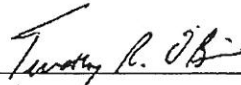
THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS  
CRIMINAL DIVISION



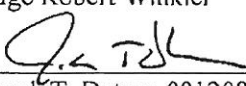
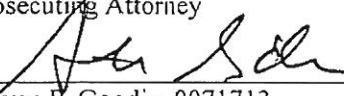
STATE OF OHIO : Case No. B1203330A  
Plaintiff :  
vs. : **WAIVER OF INDICTMENT**  
TIMOTHY O'BRIEN :  
Defendant :

I, Timothy O'Brien, the above named Defendant, alleged to have committed the crimes of Conspiracy Against Trade, in violation of Section 1331.04 of the Revised Code, a criminal offense which is not punishable by death nor life imprisonment, being represented by counsel and having been advised by the Court and my counsel of the nature of the allegations against me and of my constitutional rights, do hereby waive in writing in open court, prosecution by indictment.

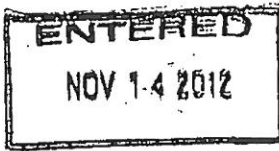
This Waiver is made knowingly, intelligently, and voluntarily.

  
Defendant

Approved:

Judge Robert Winkler  
  
Joseph T. Deters, 0012084  
Prosecuting Attorney  
  
Steven P. Goodin, 0071713  
Attorney for Defendant





Robert C. Winkler  
JUDGE ROBERT C. WINKLER date

11-14-12

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

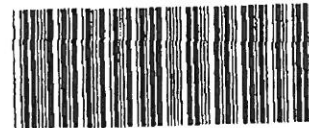
STATE OF OHIO : CASE NO. B1203330-A  
Plaintiff : (JUDGE ROBT. WINKLER)  
vs. :  
TIMOTHY O'BRIEN : ENTRY OF CONTINUANCE  
Defendant :

THIS MATTER IS HEREBY CONTINUED:

  x   AT THE REQUEST OF THE STATE  
      AT THE REQUEST OF THE DEFENDANT \*  
      AT THE REQUEST OF THE STATE & DEFENDANT  
      ON THE COURT'S ORDER

AND WITH THE COURT'S CONSENT TO THE 18<sup>th</sup> DAY OF  
December, 2012 AT 10:00, FOR THE PURPOSE OF:

      DSC  
      COMPETENCY HEARING  
  x   MOTION TO SUPPRESS  
      PLEA OR TRIAL SETTING  
      JURY TRIAL  
      BENCH TRIAL  
      OTHER



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REASON: \_\_\_\_\_

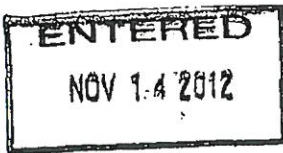
James C. [Signature]  
ASSISTANT PROSECUTING ATTY.

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT\*

[Signature]  
DEFENDANT

\* Defendant waives all speedy trial rights in accord with O.R.C. § 2945.71 et.seq.





Paul  
JUDGE ROBERT C. WINKLER date

11-14-12

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

STATE OF OHIO : CASE NO. B1203330-b  
Plaintiff : (JUDGE ROBT. WINKLER)  
vs. :  
QUATTRO INC : ENTRY OF CONTINUANCE  
Defendant :

THIS MATTER IS HEREBY CONTINUED:

X AT THE REQUEST OF THE STATE  
AT THE REQUEST OF THE DEFENDANT \*  
AT THE REQUEST OF THE STATE & DEFENDANT  
ON THE COURT'S ORDER

AND WITH THE COURT'S CONSENT TO THE 18<sup>th</sup> DAY OF  
November, 2012 AT 10:00, FOR THE PURPOSE OF:

X DSC  
COMPETENCY HEARING  
MOTION TO SUPPRESS  
PLEA OR TRIAL SETTING  
JURY TRIAL  
BENCH TRIAL  
OTHER

REASON:

James C. Philbin  
ASSISTANT PROSECUTING ATTY.

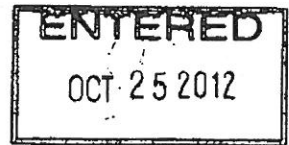
Ralph W. Kolonen  
ATTORNEY FOR DEFENDANT\*  
Ralph W. Kolonen

DEFENDANT



D99930193

\* Defendant waives all speedy trial rights in accord with O.R.C. § 2945.71 et.seq.

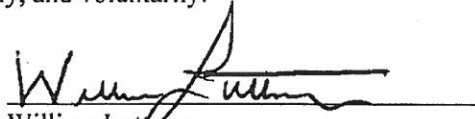


THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS  
CRIMINAL DIVISION

STATE OF OHIO : Case No. B1203330B  
Plaintiff :  
vs. : WAIVER OF INDICTMENT  
QUATTRO INC. :  
Defendant :

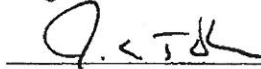
I, William Luttmner, as Vice President of the above named corporation, and on behalf of the corporation which is alleged to have committed the crimes of Entering An Unlawful Combination, Contract or Agreement and Attempt in violation of Sections 1331.02 and 2923.02/2923.32 respectively of the Revised Code, criminal offenses which are not punishable by death nor life imprisonment, the corporation being represented by counsel and having been advised by the Court and my counsel of the nature of the allegations against the corporation, do hereby waive in writing in open court, prosecution by indictment.

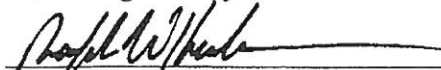
This Waiver is made knowingly, intelligently, and voluntarily.

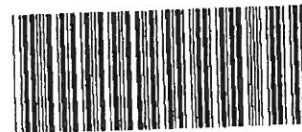
  
William Luttmner  
Vice President of Quattro Inc.

Approved:

Judge Robert Winkler

  
Joseph T. Deters, 0012084  
Prosecuting Attorney

  
Ralph W. Kohnen, 0034418  
Attorney for Defendant



D99681837