

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **MAY 03 2023** ★

LONG ISLAND OFFICE

MRM:BTK
F. #2021R00882

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

MICHAEL MONTENES,

Defendant.

----- X

I N F O R M A T I O N

CR 23 124

Cr. No. _____
(T. 18, U.S.C., §§ 201(b)(1)(A),
981(a)(1)(C), 2 and 3551 *et seq.*; T. 21,
U.S.C., § 853(p); T. 28, U.S.C. §
2461(c))

SEYBERT, J.

THE UNITED STATES ATTORNEY CHARGES:

At all times relevant to this Information, unless otherwise indicated:

INTRODUCTION

1. The defendant MICHAEL MONTENES was a resident of St. James, New York. MONTENES owned and operated M.S. Hi-Tech, Incorporated (“MSHT”), which was headquartered in Hauppauge, New York.

2. Co-Conspirator 1, an individual whose identity is known to the United States Attorney, was employed by a Department of Energy laboratory (the “DOE laboratory”), which was located in Virginia, as its Small Business Program Liaison and Procurement Officer. Co-Conspirator 1 was authorized by the DOE laboratory to enter into certain contracts on the DOE laboratory’s behalf, including contracts for the purchase of electronic components. Co-Conspirator 1 worked at the DOE laboratory in or about and between April 2012 and March 2022.

3. In or about and between December 2017 and July 2021, Co-Conspirator 1 entered into multiple contracts to purchase approximately \$969,000 of electronic components

from MSHT on behalf of the DOE laboratory (the “Contracts”). The Contracts represented approximately 95% of MSHT’s sales to the DOE laboratory during this approximately four-year period. To influence Co-Conspirator 1 to award these contracts to MSHT, the defendant MICHAEL MONTENES gave Co-Conspirator 1 multiple payments, ranging from between \$500 and \$7,200 each.

4. Pursuant to this agreement, in or about and between December 2017 and December 2020, the defendant MICHAEL MONTENES, together with others, mailed multiple checks to Co-Conspirator 1, totaling approximately \$18,800.

5. In or about July 2021, electronic components that Co-Conspirator 1 procured from MSHT failed and caused a fire at the DOE laboratory that resulted in repairs and other costs of more than \$1.8 million to the DOE laboratory.

BRIBERY OF A FEDERAL OFFICIAL

6. The allegations contained in paragraphs one through five are realleged and incorporated as if fully set forth in this paragraph.

7. In or about and between December 2017 and July 2021, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL MONTENES, together with others, did knowingly, intentionally and corruptly give, offer and promise, directly and indirectly, United States currency to a public official, to wit: Co-Conspirator 1, with the intent to influence official acts, to wit: to cause a federal official to enter into contracts with MSHT on behalf of the DOE laboratory.

(Title 18, United States Code, Sections 201(b)(1)(A), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

8. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

By Carolyn Pokorny, Assistant U.S. Attorney

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F.#: 2021R00882
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT
EASTERN District of NEW YORK
CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

MICHAEL MONTENES,

Defendant.

INFORMATION

(T. 18, U.S.C., §§ 201(b)(1)(A), 981(a)(1)(C), 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C. § 2461(c))

A true bill.

Foreperson

Filed in open court this ----- *day,*

of ----- *A.D. 20* -----

Clerk

Bail, \$ -----

Bradley T. King, Assistant U.S. Attorney (631) 715-7875