

Ex-I.B.M. Executive Charged In Multimillion-Dollar Scheme

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A former I.B.M. executive in Poughkeepsie, N.Y., and a Fort Lauderdale, Fla., man who bought discontinued computer parts were indicted yesterday by a Federal grand jury on charges that they were part of a conspiracy to swindle the company out of at least \$20 million worth of surplus computer equipment, including huge mainframe computers.

The grand jury also charged that outsiders provided company insiders with more than half a million dollars in cash and other bribes, including a Florida condominium, to promote the scheme.

As part of its business, I.B.M. contracts with other companies to sell or dismantle parts that are used, discontinued or deemed to be surplus. The companies agree to share with I.B.M. any money from the sale of recycled parts and are forbidden to sell parts scheduled for scrap.

But the Federal jury, sitting in White Plains, charged in a five-count indictment that Robert St. Germain, 55, who managed I.B.M.'s Reutilization Department in Poughkeepsie, and Lawrence Laspina, 41, a Fort Lauderdale man who operated at least four computer parts companies, conspired with others to profit from the sale of surplus parts.

The indictment alleges that Mr. St. Germain conspired to commit tax fraud and transport fraudulently obtained property across state lines and that Mr. Laspina obstructed justice by destroying or concealing documents sought by the grand jury. Each of the most serious charges carries a maximum penalty of five years in prison, a \$250,000 fine, and a penalty of twice the gain from the offense, as well as restitution.

The office of Mary Jo White, the United States Attorney for the Southern District of New York, said that 11 defendants in related cases have entered guilty pleas to tax fraud, conspiracy and other charges.

Herbert Haddad, a spokesman for the United States Attorney, declined to say how the scheme was discovered but noted that "this is still an open case with a continuing

investigation." He said that even though Mr. St. Germain left I.B.M. in 1993, he was also indicted in acts that continued through yesterday.

Yesterday's indictment charges that Mr. St. Germain, while at I.B.M. from 1990 to 1993, negotiated and entered into contracts with a company called Recycler's Consulting Group Inc., or R.C.G. An "owner of R.C.G." who was identified only as "Co-conspirator 1" bribed Mr. St. Germain and other employees to sell surplus computer parts, the indictment states. Mr. Laspina joined with this co-conspirator to bribe Mr. St. Germain and others, according to the indictment.

It was unclear why R.C.G. was not indicted. Barbara Guss, the assistant United States attorney handling the case, declined to comment.

Thomas M. Connelly, a Phoenix lawyer representing Mr. Laspina, said his client did not bribe anyone or obstruct justice. He said Mr. Laspina did buy parts from R.C.G., but it was R.C.G. that had the contractual obligations with I.B.M. "He is not an officer, director or principal with R.C.G.," Mr. Connelly said. His client, Mr. Connelly said, was simply buying parts from authorized I.B.M. brokers, including R.C.G.

Peter L. Maroulis, the lawyer for Mr. St. Germain, did not return phone calls seeking comment. Ian Colley, a spokesman for I.B.M., declined to comment.