

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 04-

v. : 18 U.S.C. § 371

ALAN M. CLARK : INFORMATION

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

Background

1. At all times relevant to this Information:

(a) defendant ALAN M. CLARK was a Major League umpire employed by the American League. Defendant officiated at American League baseball games throughout the United States and Canada, including inter-league games with National League teams, All Star games, playoff games, World Series games as well as many other notable games, including:

(i) the one-game playoff between the New York Yankees and the Boston Red Sox to decide the American League East pennant winner, played in Boston's Fenway Park on October 2, 1978, and won with a home run from New York Yankee Bucky Dent;

(ii) the game between the Texas Rangers and the Milwaukee Brewers, played in Milwaukee's County Stadium on July 31, 1990, in which Nolan Ryan, a pitcher for the Texas Rangers, won his 300th career game;

(iii) the final game played in Cleveland's Municipal Stadium between the Cleveland Indians and the Chicago

White Sox, played on October 3, 1993;

(iv) the game between the Baltimore Orioles and the California Angels, played in Baltimore's Camden Yards Stadium on September 5, 1995, in which Cal Ripken, Jr. of the Baltimore Orioles tied New York Yankee Lou Gehrig's record of 2,130 consecutive games played;

(v) the game between the Baltimore Orioles and the California Angels, played in Baltimore's Camden Yards Stadium on September 6, 1995, in which Cal Ripken, Jr. broke Lou Gehrig's record of 2,130 consecutive games played;

(vi) the game between the New York Yankees and the Seattle Mariners, played in New York's Yankee Stadium on May 14, 1996, in which Dwight Gooden of the New York Yankees pitched a no-hitter;

(vii) the game between the New York Yankees and the Oakland Athletics, played in New York's Yankee Stadium on August 25, 1996, which was designated "Mickey Mantle Day" in honor of the former Yankee Hall of Fame player;

(viii) the opening day game between the Kansas City Royals and the Baltimore Orioles, played in Kansas City's Kauffman Stadium on April 7, 1997, which was designated "Jackie Robinson Day" by all Major League teams in honor of the former Brooklyn Dodger's Hall of Fame player who was the first African American to play in the Major League;

(ix) the first inter-league baseball game hosted in Boston's Fenway Park between the American League's Boston Red

Sox and the National League's Philadelphia Phillies, played on June 16, 1997; and

(x) the game between the New York Yankees and the Detroit Tigers, played in New York's Yankee Stadium on July 10, 1997, which was New York Yankees' pitcher Hideki Irabu's first Major League game.

(b) RG, who is named as a coconspirator but not a defendant herein, was a long-time friend of defendant ALAN M. CLARK's, and the owner of a photographic supplies delivery service, a freelance sports photographer and a sometime sports memorabilia dealer, residing in Millburn, New Jersey. RG typically sold his sports memorabilia to other dealers, who ultimately sold it to the general public. RG received his sports memorabilia from various sources, including from defendant ALAN M. CLARK.

The Conspiracy

2. From at least as early as in or about September 1995 through in or about November 1998, in Essex County, in the District of New Jersey, and elsewhere, defendant

ALAN M. CLARK

did knowingly and wilfully conspire and agree with RG and others to devise a scheme and artifice to defraud the purchasers of baseballs purported to have been used in the games set forth in Paragraph 1, above, and to obtain money from those purchasers by means of materially false and fraudulent pretenses, representations and promises, and to utilize the United States mail as well as private and commercial interstate carriers for the purpose of executing this scheme and artifice, contrary to Title 18, United States Code, Section 1341.

Principal Goal of the Conspiracy

3. The principal goal of the conspiracy was to obtain money by fraudulently certifying that certain baseballs were used in the games set forth in Paragraph 1, above, which greatly increased their value in the sports memorabilia market, when in fact, they were never used in a Major League game.

The Execution of the Conspiracy

*Baseballs Purported to be from
The Games in which Cal Ripken, Jr.
Tied and Broke Lou Gehrig's Record
Of 2,130 Consecutive Games Played*

4. From at least as early as in or about September 1995 through in or about May 1998, RG purchased from various sports memorabilia dealers multiple commemorative baseballs, described immediately below, signed by Cal Ripken, Jr. These commemorative baseballs were manufactured specifically for the games in which Cal Ripken, Jr. tied and broke Lou Gehrig's record of 2,130 consecutive games played, but were not actually used in either game. Unlike normal American League baseballs, these balls had orange stitching, the colors of the Baltimore Orioles, and were stamped with the number 2,130 (the record tying game) and the number 2,131 (the record breaking game) on either side of the number "8", Cal Ripken, Jr.'s number (hereafter "the Ripken Baseballs").

5. Defendant ALAN M. CLARK was an umpire in both the record tying and record breaking games.

6. RG placed in the United States mail, and at times personally delivered, the Ripken Baseballs to defendant ALAN M. CLARK, who would sign them.

7. Because all Major League baseballs are rubbed with a particular mud from a creek in Burlington County, New Jersey in order to prepare them for use in Major League games, defendant

ALAN M. CLARK, or at times RG, rubbed the Ripken Baseballs with this mud in order to make the Ripken Baseballs appear as though they were actually used in the record tying or record breaking game.

8. Defendant ALAN M. CLARK drafted and signed letters of authenticity, and at times signed letters of authenticity that RG drafted, certifying as a member of the officiating umpire crew that certain baseballs were, respectively (a) used in the game in which Cal Ripken, Jr. tied Lou Gehrig's record of consecutive games played, when in fact, they were not; or (b) used in the game in which Cal Ripken, Jr. broke Lou Gehrig's record of consecutive games played, when in fact, they were not.

9. RG then sold these baseballs, along with letters of authenticity signed by defendant ALAN M. CLARK, to sports memorabilia dealers who, in turn, sold them to the public. Falsely certifying these baseballs as having been used in the record tying or record breaking games, and making them appear to have actually been used in those games, greatly increased their value in the sports memorabilia market and defrauded the purchasers of the baseballs.

Balls Purported to be from:
Dwight Gooden's No Hitter, May 14, 1996;
Mickey Mantle Day, August 25, 1996;
Jackie Robinson Day, April 7, 1997;
The First Inter-league Game at Fenway Park, June 16, 1997; and
Hideki Irabu's First Game, July 10, 1997

10. Having met with success with the falsification of the Ripken Baseballs, during the dates set forth immediately below, defendant ALAN M. CLARK and RG also agreed to falsely certify that certain baseballs were used in other notable games in which defendant ALAN M. CLARK worked as an umpire, specifically:

(a) from in or about August 1996 through in or about October 1996, New York Yankee pitcher Dwight Gooden's no hitter, May 14, 1996;

(b) from in or about August 1996 through in or about March 1997, Mickey Mantle Day at New York's Yankee Stadium, August 25, 1996;

(c) from in or about April 1997 through in or about June 1997, opening day at Kansas City's Kauffman Stadium, April 7, 1997, designated Jackie Robinson Day throughout Major League Baseball;

(d) from in or about June 1997 through in or about September 1997, the first inter-league game played at Boston's Fenway Park, June 16, 1997; and

(e) from in or about July 1997 through in or about October 1997, New York Yankee's pitcher Hideki Irabu's first Major League game, July 10, 1997.

11. RG placed in the United States mail, and at times

personally delivered, these baseballs to defendant ALAN M. CLARK, who would sign them.

12. Defendant ALAN M. CLARK and / or RG rubbed these baseballs with mud from the Burlington County, New Jersey creek in order to make them appear as though they had been used in a Major League game.

13. Defendant ALAN M. CLARK signed these baseballs as a game umpire, as well as letters of authenticity certifying that the baseballs had been used in one of the particular games set forth in Paragraph 10, above, when in fact, certain of these baseballs were never used in a Major League game. This greatly increased the value of these baseballs in the sports memorabilia market.

14. RG sold these baseballs, along with letters of authenticity signed by defendant ALAN M. CLARK, to sports memorabilia dealers who, in turn, sold them to the public.

Baseballs Purported to be from:
The Yankees-Red Sox Playoff, October 2, 1978;
Nolan Ryan's 300th Win, July 31, 1990; and
The Final Game in Cleveland's Municipal Stadium, October 3, 1993

15. In order to profit from market demand for memorabilia from other historical games of note, during the dates set forth immediately below, defendant ALAN M. CLARK and RG agreed to falsely certify that certain baseballs were used in other notable games in which defendant ALAN M. CLARK had worked as an umpire, specifically:

(a) from in or about November 1997 through in or about May 1998, the one game playoff between the New York Yankees and the Boston Red Sox to decide the American League East pennant winner, October 2, 1978;

(b) from in or about December 1995 through in or about November 1998, Texas Ranger's pitcher Nolan Ryan's 300th career victory, July 31, 1990; and

(c) from in or about May 1996 through in or about September 1996, the final game played at Cleveland's Municipal Stadium, October 3, 1993.

16. At all times relevant to this Information, American League baseballs were stamped with the name of the American League President in office at the time the ball was manufactured. Accordingly, to effect the scheme to defraud for historical games, defendant ALAN M. CLARK and RG had to obtain baseballs bearing the signature of the American League President in office at the time of the games set forth in Paragraph 15. To that end, defendant ALAN M. CLARK supplied baseballs stamped with the name of former American League President Leland S. MacPhail, Jr., who held the office at the time of the Yankees-Red Sox playoff on October 3, 1978, from personal holdings. Defendant ALAN M. CLARK also supplied some baseballs bearing the signature of former American League President Robert W. Brown, who held the office at the time of Nolan Ryan's 300th win on July 31, 1990 and at the time the final game was played in Cleveland's Municipal Stadium on October 3, 1993, from personal holdings. RG purchased

additional baseballs bearing Robert W. Brown's signature from sports memorabilia dealers. The baseballs stamped with the signature of Robert W. Brown, purchased in furtherance of the scheme regarding Nolan Ryan's 300th win, also bore Nolan Ryan's signature.

17. Defendant ALAN M. CLARK and / or RG rubbed these baseballs with mud from the Burlington County, New Jersey creek in order to make them appear as though they had been used in a Major League game.

18. Defendant ALAN M. CLARK at times signed these baseballs as a game umpire and always signed letters of authenticity certifying that these balls had been used in one of the particular games set forth in Paragraph 15, above, when in fact, certain of these baseballs were never used in a Major League game. This greatly increased the value of these baseballs in the sports memorabilia market.

19. RG sold these balls, along with letters of authenticity signed by defendant ALAN M. CLARK, to sports memorabilia dealers who, in turn, sold them to the public.

Overt Acts

20. In furtherance of the conspiracy and to accomplish its unlawful object, defendant ALAN M. CLARK and RG committed the following overt acts in the District of New Jersey and elsewhere:

(a) In or about 1996, defendant ALAN M. CLARK signed letters of authenticity falsely certifying that certain baseballs

were used in the game between the Baltimore Orioles and the California Angels, played on September 6, 1995, in which Cal Ripken, Jr. broke Lou Gehrig's record of 2,130 consecutive games played.

(b) In or about 1996, defendant ALAN M. CLARK signed letters of authenticity falsely certifying that certain baseballs were used in the game between the New York Yankees and the Seattle Mariners, played on May 14, 1996, in which Dwight Gooden of the Yankees pitched a no hitter.

(c) On or about March 27, 1997, defendant ALAN M. CLARK, received in Williamsburg, Virginia, a package of baseballs that RG had shipped to him via private interstate carrier from Millburn, New Jersey.

(d) On or about October 31, 1998, RG purchased from a sports memorabilia dealer in New Jersey baseballs signed by Nolan Ryan and bearing the stamped signature of former American League President Robert W. Brown.

(e) In or about 1998, defendant ALAN M. CLARK signed letters of authenticity falsely certifying that certain baseballs were used in the July 31, 1990 game between the Texas Rangers and the Milwaukee Brewers, in which Rangers pitcher Nolan Ryan won his 300th career game.

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

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY