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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	INDICTMENT
	:	
Plaintiff,	:	VIO. 18 U.S.C. § 1020
	:	[Fraud and False Statements
vs.	:	Relating to Highway Projects]
	:	
HIKIAU, INC., A UTAH	:	18 U.S.C. § 2
CORPORATION,	:	[Aiding, Abetting,
and	:	Commanding and Procuring
GERALD PETERSON,	:	Commission of an Offense]
MAX PETERSON,	:	
	:	
Defendants.	:	Case: 2:07-cr-00792
	:	Assigned To : Kimball, Dale A.
	:	Assign. Date : 10/31/2007
	:	Description: USA v.

The Grand Jury charges:

COUNT 1

On or about November 14, 2002, in the Central Division of the District of Utah
and elsewhere,

HIKIAU, INC., A UTAH CORPORATION,

GERALD PETERSON,
AND
MAX PETERSON,

the Defendants herein, did knowingly make a false statement, representation, report, and claim with respect to the character and quality of work performed and to be performed, and materials furnished and to be furnished in connection with the construction of a highway and related project approved by the Secretary of Transportation, in that

they knowingly installed and caused to be installed approximately 6 (six) QUADGUARD (Type B) highway safety systems, along Interstate I-15 from SR-193 to 31st Street in Ogden, Utah, project number IM-15-7(192)337, as part of a highway project approved by the Secretary of Transportation, and knowingly represented the QUADGUARD (Type B) highway safety systems to be certified in compliance with Utah Department of Transportation and manufacturer specifications, when, in fact, said QUADGUARD (Type B) highway safety systems were improperly installed, as the defendants well knew;

did aid, abet, counsel, command, induce and procure the commission of the same, and did willfully cause to be done said acts which would be an offense if performed directly, all in violation of 18 U.S.C. § 1020 and 18 U.S.C. § 2, and punishable thereunder.

COUNT 2

On or about November 14, 2002, in the Central Division of the District of Utah and elsewhere,

HIKIAU, INC., A UTAH CORPORATION,
GERALD PETERSON,
AND
MAX PETERSON,

the Defendants herein, did knowingly make a false statement, representation, report, and claim with respect to the character and quality of work performed and to be performed, and materials furnished and to be furnished in connection with the construction of a highway and related project approved by the Secretary of Transportation, in that they knowingly installed and caused to be installed approximately 9 (nine) QUADGUARD (Type B) highway safety systems, along I-15 from 31st Street to 450 North in Ogden, Utah, project number IM-15-8(98)342, as part of a highway project approved by the Secretary of Transportation, and knowingly represented the QUADGUARD (Type B) highway safety systems to be certified in compliance with Utah Department of Transportation and manufacturer specifications, when, in fact, said QUADGUARD (Type B) highway safety systems were improperly installed, as the defendants well knew;

did aid, abet, counsel, command, induce and procure the commission of the same, and did willfully cause to be done said acts which would be an offense if performed directly, all in violation of 18 U.S.C. § 1020 and 18 U.S.C. § 2, and punishable thereunder.

COUNT 3

On or about September 8, 2004, in the Central Division of the District of Utah and elsewhere,

HIKIAU, INC., A UTAH CORPORATION,
GERALD PETERSON,
AND
MAX PETERSON,

the Defendants herein, did knowingly make a false statement, representation, report, and claim with respect to the character and quality of work performed and to be performed, and materials furnished and to be furnished in connection with the construction of a highway and related project approved by the Secretary of Transportation, in that they knowingly installed and caused to be installed approximately 4 (four) QUADGUARD (Type B) highway safety systems, along Interstate I-84, between the Mountain Green Interchange to Morgan, Utah, project number IM-84-6(79)55, as part of a highway project approved by the Secretary of Transportation, and knowingly represented the QUADGUARD (Type B) highway safety systems to be certified in compliance with Utah Department

of Transportation and manufacturer specifications, when, in fact, said QUADGUARD (Type B) highway safety systems were improperly installed, as the defendants well knew; did aid, abet, counsel, command, induce and procure the commission of the same, and did willfully cause to be done said acts which would be an offense if performed directly, all in violation of 18 U.S.C. § 1020 and 18 U.S.C. § 2, and punishable thereunder.

COUNT 4

Beginning on or about December 6, 2004 and continuing through on or about March 8, 2005, in the Central Division of the District of Utah,

HIKIAU, INC., A UTAH CORPORATION,
GERALD PETERSON,
AND
MAX PETERSON,

the Defendants herein, did knowingly make a false statement, representation, report, and claim with respect to the character and quality of work performed and to be performed, and materials furnished and to be furnished in connection with the construction of a highway and related project approved by the Secretary of Transportation, in that they knowingly installed and caused to be installed approximately 9 (nine) guardrail Type G highway safety systems, along Interstate I-15 from RP 27 to RP 167 in Washington, Iron, and Beaver Counties, Utah, project number

ISTP-15-2(49)27, as part of a highway project approved by the Secretary of Transportation, and knowingly represented the Type G highway safety systems to be certified in compliance with the Utah Department of Transportation and manufacturer specifications, when, in fact, said Type G highway safety systems were improperly installed, as the defendants well knew;

did aid, abet, counsel, command, induce and procure the commission of the same, and did willfully cause to be done said acts which would be an offense if performed directly, all in violation of 18 U.S.C. § 1020 and 18 U.S.C. § 2, and punishable thereunder.

COUNT 5

On or about February 24, 2004, in the Central Division of the District of Utah,

HIKIAU, INC., A UTAH CORPORATION,
GERALD PETERSON,
AND
MAX PETERSON,

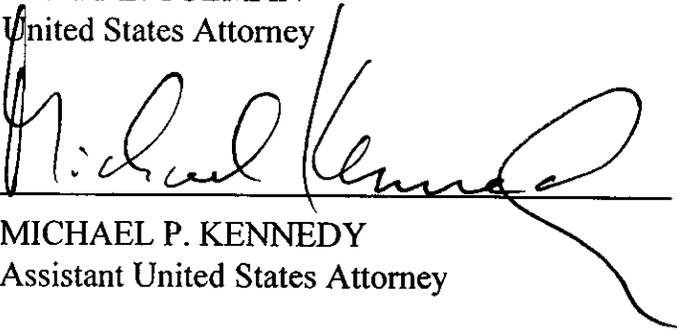
the Defendants herein, did knowingly make a false statement, representation, report, and claim with respect to the character and quality of work performed and to be performed, and materials furnished and to be furnished in connection with the construction of a highway and related project approved by the Secretary of Transportation, in that

they knowingly installed and caused to be installed a guardrail (Type G) highway safety system, along U.S. Route 89, SR 89 from MP 77 to MP 81.5 in Kane County, Utah, project number NH-0089(84)77, as part of a highway project approved by the Secretary of Transportation, and knowingly represented the Type G highway safety system to be installed in accordance with the Utah Department of Transportation and manufacturer specifications, when, in fact, said Type G highway safety systems were improperly installed, as the defendants well knew; did aid, abet, counsel, command, induce and procure the commission of the same, and did willfully cause to be done said acts which would be an offense if performed directly, all in violation of 18 U.S.C. § 1020 and 18 U.S.C. § 2, and punishable thereunder.

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

BRETT L. TOLMAN
United States Attorney


MICHAEL P. KENNEDY
Assistant United States Attorney