

1539

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	Criminal No. 08-360
v.	)	
	)	(21 U.S.C. § 846)
ROBERT DENNIS CATALANO	)	18 U.S.C. § 371
d/b/a Puck Technology, Inc.	)	
d/b/a Puck Tech Management, Inc.	)	
d/b/a <u>www.whizzinator.com</u>	)	
d/b/a <u>www.gonumber1.com</u>	)	

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INFORMATION

COUNT ONE

The United States Attorney charges:

Beginning on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, in the Western District of Pennsylvania, and elsewhere, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and others known and unknown to the United States Attorney, did knowingly, intentionally and unlawfully conspire with each other to sell and offer for sale drug paraphernalia, as that term is defined in Title 21, United States Code, Section 863(d), contrary to the provisions of Title 21, United States Code, Sections 863(a)(1) and 863(b).

In violation of Title 21, United States Code, Section 846.

COUNT TWO

The United States Attorney further charges:

INTRODUCTION

1. Under the Federal Agency Drug-Free Work Place Program, Title 5, United States Code, Section 7301, the Substance Abuse and Mental Health Services Administration (SAMHSA) of the United States Department of Health and Human Services (HHS), has the responsibility and duty to oversee, monitor and establish scientific and technical requirements for federal workplace drug testing programs, and standards for certification of laboratories engaged in urine drug testing for federal agencies. These tests include tests of federal employees in testing designated positions that cover national security and public safety positions.

2. To accomplish this mission, SAMHSA oversees and administers specific regulatory guidelines known as the Mandatory Guidelines, which mandate uniform standards for conducting urine drug testing, certifying laboratories, determining the validity of urine specimens and reporting test results regarding such specimens.

3. The Department of Transportation (DOT) has incorporated the Mandatory Guidelines for drug testing employees in federally regulated industries. As a result of DOT adoption of SAMHSA standards, the Mandatory Guidelines overseen by SAMHSA

govern the drug testing of persons in many federally regulated industries with safety-sensitive jobs such as railroads, airlines and trucking.

GENERAL ALLEGATIONS

At all times relevant to this Information:

4. The defendant, ROBERT DENNIS CATALANO, was an owner and shareholder, and the Vice President, of Puck Technology, Inc., located at 2508 N. Palm Dr., Unit 104, Signal Hill, CA 90806. A person known to the United States Attorney was also an owner and shareholder, and the President, of Puck Technology, Inc.

5. The defendant, ROBERT DENNIS CATALANO, and a person known to the United States Attorney, controlled the business operations of Puck Technology, Inc.

6. The defendant, ROBERT DENNIS CATALANO, was an owner and shareholder, and the Vice President, of Puck Tech Management, Inc. located at 2508 N. Palm Dr., Unit 104, Signal Hill, CA 90806. A person known to the United States Attorney was also an owner and shareholder, and the President, of Puck Tech Management, Inc.

7. The defendant, ROBERT DENNIS CATALANO, and a person known to the United States Attorney, controlled the business operations of Puck Tech Management, Inc.

THE CONSPIRACY

8. From on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008 in the Western District of Pennsylvania and elsewhere, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and other persons known and unknown to the United States Attorney, did knowingly, willfully and unlawfully combine, conspire, confederate and agree together and with each other to defraud an agency of the United States, that is, SAMHSA, by impeding, impairing, defeating and obstructing the lawful governmental functions of SAMHSA in overseeing, monitoring and establishing scientific and technical guidelines for federal workplace drug testing programs, and standards for certification of laboratories engaged in urine drug testing for federal agencies and federally regulated industries, under the Federal Agency Drug-Free Work Place Program, Title 5, United States Code, Section 7301.

OBJECT OF THE CONSPIRACY

9. It was the object of the conspiracy that during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and

other persons known and unknown to the United States Attorney, knowingly, willfully and unlawfully impeded and did defraud SAMHSA by impairing, defeating and obstructing the lawful governmental functions of SAMHSA in overseeing, monitoring and establishing scientific and technical guidelines for federal workplace drug testing programs, and standards for certification of laboratories engaged in urine drug testing for federal agencies and federally regulated industries, under the Federal Agency Drug-Free Work Place Program, Title 5, United States Code, Section 7301.

MANNER AND MEANS OF THE CONSPIRACY

10. It was a part of the conspiracy that from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and other persons known and unknown to the United States Attorney, maintained and controlled, and caused to be maintained and controlled, the Internet web sites, www.whizzinator.com, and www.gonumber1.com.

11. It was further a part of the conspiracy that from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and other persons

known and unknown to the United States Attorney, caused the site, www.gonumber1.com, to contain testimonials from customers, including the testimonial, "I have to pass a test while being observed, and not only was it undetectable, but I passed with flying colors," and the testimonial "I have to pass DOT drug screens every quarter and your product has saved my job countless times ... thanks for making such a great product and making it affordable too."

12. It was further a part of the conspiracy that from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and other persons known and unknown to the United States Attorney, caused the site, www.whizzinator.com, to contain testimonials from customers, including the testimonial, "If not for the Whizzinator I would be serving thirty days in the work-house. Instead I passed my drug test and my stupid probat. officer had no idea," and the testimonial "I was down and out at my present job. I thought I had no chance at landing a new job, because I smoke so much. When I saw the Whizzinator it was like a dream come true. I knew it was time to get back out on the job market. I landed a new job within weeks. Thanks Whizzinator!"

13. It was further a part of the conspiracy that from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and other persons known and unknown to the United States Attorney, advertised, offered for sale and sold over the Internet web site, www.whizzinator.com, and caused to be advertised, offered for sale and sold over the Internet web site, www.whizzinator.com, the product, the Whizzinator, a male prosthetic penis urinating device, to customers throughout the United States and in the Western District of Pennsylvania, for the purpose of defeating federal, and federally regulated, employment drug urine tests overseen by SAMHSA for marijuana, cocaine and other controlled substances under Title 21 of the United States Code.

14. It was further a part of the conspiracy that from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and other persons known and unknown to the United States Attorney, advertised, offered for sale and sold over the Internet web site, www.gonumber1.com, and caused to be advertised, offered for sale

and sold over the Internet web site, www.gonumber1.com, the product, Number 1, a urinating device made for both men and women, to customers throughout the United States and in the Western District of Pennsylvania, for the purpose of defeating federal, and federally regulated, employment drug urine tests overseen by SAMHSA for marijuana, cocaine and other controlled substances under Title 21 of the United States Code.

15. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and a person known to the United States Attorney, maintained, and caused to be maintained, PayPal account number XXXXXXXXXXXXXXX2404 in the name of Puck Technology, Inc.

16. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and a person known to the United States Attorney, deposited, and caused to be deposited, sales proceeds from the Internet sales of the products, the Whizzinator and Number

1, into PayPal account number XXXXXXXXXXXXXXX2404 in the name of Puck Technology, Inc.

17. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and a person known to the United States Attorney, maintained, and caused to be maintained, business bank account number XXX-XXX6364 at Wells Fargo Bank, N.A. in the name of Puck Technology, Inc., with the defendant, ROBERT DENNIS CATALANO, as an authorized signer.

18. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and a person known to the United States Attorney, transferred, and caused to be transferred, monies from PayPal account number XXXXXXXXXXXXXXX2404 into Wells Fargo Bank account number XXX-XXX6364.

19. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and

continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and a person known to the United States Attorney, maintained, and caused to be maintained, business bank account number XXXXXX6208 at Wells Fargo Bank, N.A. in the name of Puck Tech Management, Inc., with the defendant, ROBERT DENNIS CATALANO, as an authorized signer.

20. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and a person known to the United States Attorney, transferred, and caused to be transferred, monies from Wells Fargo Bank account number XXX-XXX6364 to Wells Fargo Bank account number XXXXXX6208.

21. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, a person known to the United States Attorney maintained, and caused to be maintained, personal bank account number XXXXXX9932 at Wells Fargo Bank, N.A.

22. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, a person known to the United States Attorney transferred, and caused to be transferred, monies from Wells Fargo Bank account number XXXXXX6208 to Wells Fargo Bank account number XXXXXX9932.

23. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, maintained, and caused to be maintained, personal bank account number XXXXXX4664 at Wells Fargo Bank, N.A., with the defendant, ROBERT DENNIS CATALANO, as an authorized signer.

24. It was further a part of the conspiracy that at times during the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, transferred, and caused to be transferred, monies from Wells Fargo Bank account number XXXXXX6208 to Wells Fargo Bank account number XXXXXX4664.

OVERT ACTS

25. In furtherance of the conspiracy and to effect the object thereof, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and other persons known and unknown to the United States Attorney, did commit and cause to be committed, the following overt acts, among others, in the Western District of Pennsylvania and elsewhere:

26. During the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and other persons known and unknown to the United States Attorney, sold, and caused to be sold, over the Internet web sites, www.whizzinator.com and www.gonumber1.com, the products, the Whizzinator and Number 1, to customers throughout the United States and in the Western District of Pennsylvania, for the purpose of defeating federal, and federally regulated, employment drug urine tests overseen by SAMHSA for marijuana, cocaine and other controlled substances under Title 21 of the United States Code, each such sale being a separate overt act.

27. During the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the

defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and a person known to the United States Attorney, deposited, and caused to be deposited, sales proceeds from the Internet sales of the products, the Whizzinator and Number 1, into PayPal account number XXXXXXXXXXXXXXXX2404 in the name of Puck Technology, Inc., each such deposit being a separate over act.

28. During the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and, d/b/a www.gonumber1.com, and a person known to the United States Attorney, transferred, and caused to be transferred, monies from PayPal account number XXXXXXXXXXXXXXXX2404 into Wells Fargo Bank account number XXX-XXX6364 in the name of Puck Technology, Inc., each such transfer being a separate overt act.

29. During the period from on or about October 10, 2005, and continuing thereafter until on or about May 7, 2008, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and a person known to the United States Attorney, transferred, and caused to be transferred, monies from Wells Fargo Bank account number XXX-XXX6364 to Wells Fargo Bank

account number XXXXXX6208 in the name of Puck Tech Management, Inc., each such transfer being a separate overt act.

30. On the dates and in the amounts outlined below, a person known to the United States Attorney transferred, and caused to be transferred, monies from Wells Fargo Bank account number XXXXXX6208 to Wells Fargo Bank account number XXXXXX9932, each such transfer being a separate overt act:

June 1, 2007	\$20,000.00
June 8, 2007	\$11,572.00
June 15, 2007	\$20,000.00
June 22, 2007	\$16,897.00

31. On the dates and in the amounts outlined below, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, transferred, and caused to be transferred, monies from Wells Fargo Bank account number XXXXXX6208 to Wells Fargo Bank account number XXXXXX4664, each such transfer being a separate overt act:

May 3, 2007	\$10,000.00
May 11, 2007	\$8,469.28
May 18, 2007	\$20,000.00
May 25, 2007	\$8,624.28

32. On June 28, 2006, an employee of Puck Technology, Inc. advised a law enforcement officer acting in an undercover

capacity that the product, the Whizzinator, allows a truck driver to pass a drug test administered by the federal government.

33. On August 29, 2006, an employee of Puck Technology, Inc. advised a law enforcement officer acting in an undercover capacity that the product, Number 1, comes complete with synthetic urine, which can not be detected by the federal government and that if the federal government were able to conduct such a test, Puck Technology, Inc. would be out of business.

34. On September 8, 2006, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a [www.whizzinator.com](http://www.whizzinator.com), and d/b/a [www.gonumber1.com](http://www.gonumber1.com), and a person known to the United States Attorney, sold, and caused to be sold, the product, the Whizzinator, four heat pads, one vial of dehydrated urine and a syringe for \$157.50 to a law enforcement officer acting in an undercover capacity, and shipped, and caused to be shipped, these items to an address located in the Western District of Pennsylvania.

35. On September 8, 2006, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a [www.whizzinator.com](http://www.whizzinator.com), and d/b/a [www.gonumber1.com](http://www.gonumber1.com), and a person known to the United States Attorney, sold, and caused to be sold, the product, Number 1, consisting of one bladder bag containing three ounces of synthetic urine, two heat pads, one

elastic strap and one temperature strip, for \$57.45 to a law enforcement officer acting in an undercover capacity, and shipped, and caused to be shipped, these items to an address located in the Western District of Pennsylvania.

36. On February 7, 2007, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, and a person known to the United States Attorney, sold, and caused to be sold, the product, the Whizzinator, four heat pads, one vial of dehydrated urine and a syringe, for \$157.50 to a law enforcement officer acting in an undercover capacity, and shipped, and caused to be shipped, these items to an address located in the Western District of Pennsylvania.

In violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATIONS

1. The United States Attorney realleges and incorporates by reference the allegations contained in Count One of this Information for the purpose of alleging criminal forfeitures pursuant to Title 21, United States Code, Sections 853(a)(1), 853(a)(2), 853(p) and 863(c).

2. As a result of the violation contained in Count One of this Information, the defendant, ROBERT DENNIS CATALANO, d/b/a Puck Technology, Inc., d/b/a Puck Tech Management, Inc., d/b/a www.whizzinator.com, and d/b/a www.gonumber1.com, did acquire the following property, which constitutes, and is derived from, the proceeds obtained, directly and indirectly, from said violation, thereby subjecting the property to forfeiture to the United States of America pursuant to Title 21, United States Code, Section 853(a)(1):

(a) United States currency, cash equivalents and bank account balances.

3. In commission of the violation charged in Count One of this Information, the defendant used the following property to commit, and to facilitate the commissions of, said violation, thereby subjecting the property to forfeiture to the United States of America pursuant to Title 21, United States Code, Section 853(a)(2):

- (a) the items of drug paraphernalia seized by the United States on May 7, 2008 from the business premises of Puck Technology, Inc., 2508 N. Palm Dr., Suite 104, Signal Hill, CA 90806; and
- (b) the Internet domain names, Whizzinator.com and Gonumber1.com.

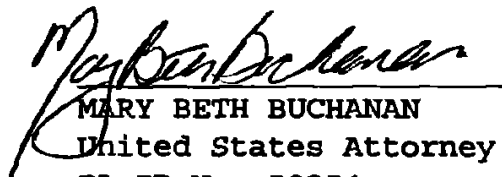
4. In commission of the violation charged in Count One of this Information, the defendant involved the following property in said violation, thereby subjecting the property to forfeiture to the United States of America pursuant to Title 21, United States Code, Section 863(c):

- (a) the items of drug paraphernalia seized by the United States on May 7, 2008 from the business premises of Puck Technology, Inc., 2508 N. Palm Dr., Suite 104, Signal Hill, CA 90806.

5. If through any act or omission by the defendant any or all of the property described in paragraphs 2 through 4 above (hereinafter the Subject Properties),

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred, or sold to, or deposited with a third person;
- (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 subdivided without difficulty,

the United States intends to seek forfeiture of any other property of the defendant up to the value of the Subject Properties forfeitable above pursuant to Title 21, United States Code, Section 853 (p) .

  
MARY BETH BUCHANAN  
United States Attorney  
PA ID No. 50254