

THE UNITED STATES ATTORNEY'S OFFICE
DISTRICT *of* NEW JERSEY**Former Owner of Defense Contracting Companies Charged with Mail Fraud and Violating Arms Export Control Act****FOR IMMEDIATE RELEASE****September 15, 2014**

TRENTON, N.J. – The former owner of two New Jersey defense contracting businesses was charged with mail fraud and violating the Arms Export Control Act, U.S. Attorney Paul J. Fishman announced today.

Alper Calik, 38, of Ankara, Turkey, was arrested upon his entry into the United States on Sept. 13, 2014 and charged by complaint with two counts of mail fraud, in connection with allegedly fraudulent contracts entered into with the U.S. Department of Defense (DoD), and one count of violating the Arms Export Control Act, in connection with his download of thousands of military technical drawings while outside the United States without prior approval from the U.S. Department of State. He is scheduled to make his initial court appearance later today before U.S. Magistrate Judge Tonianne J. Bongiovanni in Trenton federal court.

According to the complaint:

Starting in November 2009, Calik was the co-owner of Clifmax LLC in Clifton, New Jersey. The company contracted with DoD to supply defense hardware items and spare parts. Starting in May 2011, Calik started a second defense-contracting company, Tunamann LLC, based at the same address in Clifton. Both Clifmax and Tunamann were allegedly “shell” companies for manufacturing facilities in Turkey, created to obtain DoD contracts that the manufacturers were not permitted to receive. Calik, on numerous occasions, falsely claimed to the DoD that Clifmax and Tunamann were U.S.-based manufacturers, when, in fact, neither company ever had any manufacturing capabilities in the United States.

From November 2009 to March 2011, Calik allegedly defrauded the DoD by electronically submitting fraudulent bids for DoD contracts stating that he would provide parts manufactured in the United States when the items were, in fact, manufactured in Turkey. On Feb. 17, 2010, Calik submitted a false bid to the DoD for a contract to provide 121 parts known as “gear, spur,” an item used in the “steer section and brake” of the Amphibious Assault Vehicle. Calik claimed that Clifmax was a manufacturer and that the parts would be manufactured in the United States. Only U.S.-based contractors were eligible to obtain that contract. Based on Calik’s false bid, Clifmax was awarded the contract, valued at \$50,215. Shipping records showed that the parts were shipped from Turkey to Clifmax’s address on July 20, 2014. The parts were subsequently provided to the DoD on July 25, 2014. The DoD paid Clifmax \$49,913.71 for the foreign manufactured parts. Subsequent testing by the DoD revealed that the parts had dimensional non-conformances and were unusable.

Calik is also charged with violating the Arms Export Control Act. For both Clifmax and Tunamann, Calik submitted Military Critical Technical Data Agreements in which he claimed his companies were U.S.-based manufacturers. Calik also acknowledged that he understood export control laws and agreed not to disseminate export-controlled data and technical drawings in a manner that would violate export control laws. Based on his false representations, Calik was granted electronic access to drawings and technical data subject to U.S. export control regulations. Beginning in 2009, Calik downloaded approximately one hundred thousand drawings, some of which were subject to U.S. export control regulations. Calik was not in the United States when the majority of the drawings were downloaded and he did not obtain export licenses from the U.S. Department of State.

On May 23, 2013, Calik, who at that time was operating Tunamann, downloaded from a DoD database the technical drawings for parts that go into the NSSN Class Submarine. Those drawings contained warnings stating that the export of the drawings to places outside the United States is restricted by the Arms Export Control Act. Calik was not in the United States when those drawings were downloaded and he did not obtain an export license from the U.S. Department of State for the

export of those drawings. Counts One and Two of the complaint, charging mail fraud, each carry a maximum penalty of 20 years in prison and a fine of \$250,000. Count Three carries a maximum penalty of 20 years in prison and a \$1 million fine.

The Arms Export Control Act prohibits the export of defense articles and defense services without first obtaining a license from the U.S. Department of State and is one of the principal export control laws in the United States.

U.S. Attorney Fishman credited special agents of the U.S. Department of Defense, Defense Criminal Investigative Service Northeast Field Office, under the leadership of Special Agent in Charge Craig W. Rupert, and special agents of the Department of Homeland Security, Homeland Security Investigations, Counter Proliferation Investigations, under the supervision of Special Agent in Charge Andrew M. McLees, with the investigation leading to Calik's arrest.

The government is represented by Assistant U.S. Attorney Fabiana Pierre-Louis of the U.S. Attorney's Office Criminal Division in Trenton.

The charges and allegations contained in the complaint are merely accusations, and the defendant is considered innocent unless and until proven guilty.

14-324

Calik, Alper Complaint