



UNITED STATES ATTORNEY'S OFFICE
Southern District of New York

U.S. ATTORNEY DAMIAN WILLIAMS

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CONTACT: U.S. ATTORNEY'S OFFICE
Nicholas Biase, Victoria Bosah
(212) 637-2600

NEW YORK LIEUTENANT GOVERNOR BRIAN BENJAMIN
CHARGED WITH BRIBERY AND RELATED OFFENSES

BENJAMIN Allegedly Used His Official Authority While a New York State Senator to Procure a State-Funded Grant in Exchange for Campaign Contributions

Damian Williams, the United States Attorney for the Southern District of New York, Michael J. Driscoll, the Assistant Director-in-Charge of the New York Office of the Federal Bureau of Investigation ("FBI"), and Jocelyn E. Strauber, Commissioner of the New York City Department of Investigation ("DOI"), announced today that BRIAN BENJAMIN, the Lieutenant Governor of the State of New York, was charged with bribery and related offenses. In particular, BENJAMIN is charged with bribery, honest services wire fraud, and conspiracy to commit those offenses, based on BENJAMIN's use of his official authority while a New York state senator to direct a state-funded grant to an organization controlled by a real estate developer ("CC-1") in exchange for campaign contributions made and procured by CC-1. BENJAMIN is also charged with two counts of falsifying records in connection with the preparation of contribution forms that falsely reported certain contributions made by CC-1 as being made by other individuals, and false statements BENJAMIN made in a questionnaire he submitted while seeking to become Lieutenant Governor. BENJAMIN surrendered to the FBI in Manhattan this morning and was presented before United States Magistrate Judge Ona T. Wang. The case has been assigned to United States District Judge J. Paul Oetken.

U.S. Attorney Damian Williams said: "As alleged, Brian Benjamin used his power as a New York state senator to secure a state-funded grant in exchange for contributions to his own political campaigns. By doing so, Benjamin abused his power and effectively used state funds to support his political campaigns. My Office and our partners at the FBI and DOI will continue to ensure that politicians who put themselves over the public interest will be prosecuted."

FBI New York Assistant Director-in-Charge Michael J. Driscoll said: "Exploiting one's official authority by allocating state funds as part of a bribe to procure donations to a political campaign, and engaging in activity to cover up the bribe, is illegal. As we allege today, Benjamin's conduct in this scheme directly circumvents those procedures put in place to keep our systems fair."

DOI Commissioner Jocelyn E. Strauber said: “As charged, Lieutenant Governor Benjamin, while a New York State senator, used his official position to obtain donations to his political campaigns. He allegedly allocated public grant funds to a non-profit controlled by a co-conspirator in exchange for campaign contributions, and then lied to hide this illegal scheme. In so doing, he served his own interests at the expense of his constituents, a betrayal of the public trust and a violation of federal law. DOI stands with our law enforcement partners in the United States Attorney’s Office for the Southern District of New York and the FBI in the fight to expose and prevent corruption.”

According to the allegations in the Indictment¹ filed today in Manhattan federal court:

Overview

From at least in or about 2019, up to and including at least in or about 2021, BENJAMIN participated in a scheme to obtain campaign contributions from CC-1 in exchange for BENJAMIN’s use of his official authority and influence as a New York State senator to obtain a \$50,000 state-funded grant (the “Grant”) for a non-profit organization controlled by CC-1 (“Organization-1”). BENJAMIN and others acting on his behalf or at his direction then engaged in a series of lies and deceptions to cover up his scheme, including by falsifying campaign donor forms, misleading city regulators, and providing false information on vetting forms he completed while seeking to be the Lieutenant Governor of New York State.

The Bribery Scheme

In or about March 2019, BENJAMIN met with CC-1, told CC-1 that he was running for the office of New York City Comptroller, and asked that CC-1 procure a number of small-dollar contributions from different individuals for that campaign (the “Comptroller Campaign”). CC-1 told BENJAMIN that CC-1 did not have experience bundling political contributions in that manner; that CC-1 focused CC-1’s fundraising efforts on Organization-1; and that CC-1’s ability to procure numerous contributions for BENJAMIN’s Comptroller Campaign was limited, including because potential donors from whom CC-1 was likely to solicit contributions were the same donors from whom CC-1 had solicited and intended to further solicit contributions for Organization-1. In response, BENJAMIN told CC-1, “Let me see what I can do.”

In or about February 2019, before the above-described meeting, BENJAMIN had formally requested funding from the Majority Leader of the New York State Senate for certain organizations and entities in his district, including another Harlem-based educational organization (“Organization-2”). Organization-1 was not on that list, even though BENJAMIN had been aware of Organization-1 and its educational work since at least 2018.

On or about May 30, 2019, the Senate Majority Leader and her staff informed certain senators, including BENJAMIN, that they had been awarded additional discretionary funding that each could allocate to organizations in their districts for specified purposes. That additional funding included, among other things, up to \$50,000 that BENJAMIN could allocate to school

¹ As the introductory phrase signifies, the entirety of the text of the Indictment, and the description of the Indictment set forth herein, constitute only allegations, and every fact described should be treated as an allegation. Where specific statements are described herein, they are described in substance and in part.

districts, libraries, or non-profit organizations for educational purposes. BENJAMIN then called CC-1, told CC-1 he would be obtaining a \$50,000 grant for Organization-1, and directed that the \$50,000 be allocated to Organization-1. BENJAMIN chose not to allocate that funding to Organization-2, despite the fact that Organization-2 had not received the funding BENJAMIN requested in the February 2019 letter.

On or about June 19, 2019, the New York State senate approved a resolution that, among other things, allocated \$50,000 to Organization-1. The following day, BENJAMIN sent a text message to CC-1 with a screenshot of the resolution and stated, among other things, “I will call to discuss!”

On or about July 8, 2019, BENJAMIN met with CC-1. CC-1 provided BENJAMIN with three checks totaling \$25,000 made out to BENJAMIN’s New York State senate campaign (the “Senate Campaign”). Two of the checks were written in the names of relatives of CC-1 who did not share CC-1’s last name, and the third was written in the name of a limited liability corporation that CC-1 controlled (the “CC-1 LLC”). CC-1 made the contributions in the names of two other individuals and the CC-1 LLC to conceal any connection between CC-1 and the contributions. Because BENJAMIN had not yet filed a certification regarding his Comptroller Campaign with the New York City Campaign Finance Board (“CFB”), BENJAMIN could accept campaign contributions only to his senate campaign. As a state campaign, the senate campaign was not eligible for public matching funds available in New York City municipal races. BENJAMIN also gave CC-1 contributor forms to complete, and CC-1 completed them in BENJAMIN’s presence, signing the names of CC-1’s relatives. BENJAMIN reviewed and accepted the forms and contributions, even though he knew that the listed relatives were not in fact funding the contributions.

During the same meeting, BENJAMIN reminded CC-1 of the State Grant for Organization-1 and that BENJAMIN still expected CC-1 to procure numerous small contributions for his Comptroller Campaign. BENJAMIN later reminded CC-1 of his expectations again, including by presenting CC-1 with a novelty check representing the \$50,000 at a fundraiser for Organization-1 held just one week before BENJAMIN became eligible to receive contributions for his Comptroller Campaign, and by calling CC-1 shortly thereafter to specify the kinds of contributions he needed.

Between October 2019 and January 2021, CC-1 obtained numerous contributions for BENJAMIN’s Comptroller Campaign, many of which were fraudulent (the “CC-1 Contributions”). BENJAMIN communicated with CC-1 about CC-1’s fundraising efforts during that period. BENJAMIN also communicated with his staff and advisors about CC-1’s fundraising efforts, and specifically described certain contributions as having been procured by CC-1. And BENJAMIN personally met with CC-1 on more than one occasion to receive some of the contributions CC-1 had purportedly collected from others.

Alleged Lies and Deception

Between 2019 up through and including the period of his application for and service as Lieutenant Governor of New York, BENJAMIN and others acting at his direction or on his

behalf, engaged in a series of lies and deceptions in order to conceal the bribery scheme and BENJAMIN's connection to CC-1.

In or about November 2019, the New York State Board of Elections ("BOE") notified BENJAMIN's senate campaign that it had failed to file certain forms required to identify owners of certain limited liability companies ("LLCs") that had made contributions to the Senate Campaign. This included the LLC through which CC-1 had made a \$5,000 contribution during the July 8, 2019, meeting. A member of BENJAMIN's staff sent BENJAMIN an email listing LLCs requiring additional disclosures, specifically identifying the LLC used by CC-1 as being associated with CC-1, and asked BENJAMIN for help obtaining ownership information those LLCs. BENJAMIN responded to that email by asking, "What happens if someone refuses to provide the information?" Ultimately, BENJAMIN's senate campaign provided the BOE with ownership information about certain LLCs, but not the LLC used by CC-1.

In or about February 2020, the CFB informed BENJAMIN's Comptroller Campaign that certain of the CC-1 Contributions had been deemed ineligible for matching funds because, among other reasons, they were funded by sequentially-numbered money orders. In response, in or about July 2020, the Comptroller Campaign submitted to the CFB forms indicating that certain of the CC-1 Contributions had been procured by a particular individual ("Individual-1"), even though BENJAMIN knew the contributions had been procured by CC-1.

On or about January 4, 2021, a news outlet published an article raising questions about the legitimacy of certain contributions to BENJAMIN's Comptroller Campaign, including certain of the CC-1 Contributions. The next day, BENJAMIN's Comptroller Campaign submitted a misleading letter to the CFB stating there had been no reason to question the legitimacy of the contributions purportedly procured by Individual-1 in light of, among other things, Individual-1's reputation in the community. At the time the letter was submitted, however, BENJAMIN knew that the CC-1 Contributions had in fact been procured by CC-1, not Individual-1.

On or about August 17, 2021, while being considered to be the next Lieutenant Governor of the State of New York, BENJAMIN submitted responses to an executive appointment questionnaire that contained questions addressing, among other things, BENJAMIN's relationship with political contributors. Despite BENJAMIN's efforts to procure \$50,000 for Organization-1 and his solicitation of contributions from CC-1, BENJAMIN falsely stated, among other things, that he had never "directly exercised [his] governmental authority (either as a Legislator or Executive official) concerning a matter of a donor [he] directly solicited." And approximately two hours after submitting his responses to that questionnaire, BENJAMIN called CC-1 for the first time in six months.

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BENJAMIN, 45, of Harlem, New York, is charged with one count of federal program bribery, which carries a maximum sentence of 10 years in prison; one count of honest services wire fraud, which carries a maximum sentence of 20 years in prison; one count of conspiracy to commit those offenses, which carries a maximum sentence of 5 years in prison; and two counts of falsification of records, each of which carries a maximum sentence of 20 years in prison.

The maximum potential sentence in this case is prescribed by Congress and is provided here for informational purposes only, as any sentencing of the defendant will be determined by the judge.

Mr. Williams praised the outstanding investigative work of the FBI and DOI, and thanked the CFB for their assistance in this investigation.

This case is being handled by the Office's Public Corruption Unit. Assistant United States Attorneys Jarrod L. Schaeffer, Alison Moe, Tara La Morte, and David Abramowicz are in charge of the prosecution.

The charges contained in the Indictment are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

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