

# NEWS

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Former Second in Command at Kushner Companies Sentenced to 38  
Months in Prison for Conspiring to Defraud the United States

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NEWARK – The former second-in-command at the Kushner Companies was sentenced to 38 months in federal prison and ordered to pay a \$100,000 fine today for his conviction on charges of conspiring to defraud the United States and aiding and assisting in the filing of false tax returns, Acting U.S. Attorney Ralph J. Marra, Jr. announced.

U.S. District Judge Jose L. Linares, who presided over the trial, also ordered Richard Stadtmauer, 49, of Livingston, to pay the total costs of the prosecution totaling approximately \$20,000 and to serve three years of supervised release upon the completion of his prison term. Judge Linares continued Stadtmauer's \$1 million secured bond pending his surrender to officials with the U.S. Bureau of Prisons on or before March 30.

On June 3, 2008, Stadtmauer, the brother-in-law of Kushner Companies head Charles Kushner and the Kushner Companies' former Vice-Chairman, Managing Partner and Vice-President, was convicted of participating in a criminal conspiracy spanning the years 1997 to 2003, as well as eight counts of aiding and assisting in the filing of false tax returns. The jury acquitted Stadtmauer of nine counts of aiding and assisting in the filing of false tax returns.

The charged co-conspirators in the scheme – all of whom have pleaded guilty over the last several years – included Charles Kushner, former Kushner Companies Chief Financial Officers Marci Plotkin and Scott Zecher, and Stanley Bekritsky, a former tax partner at the accounting firm of Schonbraun Safris McCann & Bekritsky, which during the time of the conspiracy served as the Kushner Companies' outside accountants.

According to the evidence introduced at trial, which started on March 31, 2008, Stadtmauer and the other co-conspirators created false partnership tax returns for the real estate properties controlled by the Kushner Companies. These returns intentionally mischaracterized more than \$6 million worth of charitable and political contributions, capital expenditures, and gift-and-entertainment charges as fully deductible business expenses. The returns also falsely characterized as business expenses expenditures that in fact were not related to the properties at all, including expenditures made by Kushner and Stadtmauer personally.

Kushner was sentenced on March 4, 2005, to a 24-month sentence for his convictions on charges of assisting in the filing of false tax returns relating to the Kushner Companies, retaliating against a cooperating witness and making false statements to the Federal Election Commission.

Marci Plotkin and Stanley Bekritsky pleaded guilty on Feb. 11 and Feb. 14, 2008, respectively, to participating in the conspiracy, shortly before the two were scheduled to start trial alongside Stadtmauer. They have not yet been sentenced. Scott Zecher pleaded guilty on Feb. 17, 2006, to participating in the conspiracy and awaits sentencing as well.

In determining the actual sentence, Judge Linares consulted the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all the time.

Marra credited Special Agents of the IRS, under the direction of Special Agent in Charge William P. Offord, and Special Agents of the FBI, under the direction of Special Agent in Charge Weysan Dunn, with developing the case against Stadtmauer and the co-defendants.

The cases were prosecuted by Assistant U.S. Attorneys Thomas J. Eicher, Attorney in Charge of the U.S. Attorneys Office in Trenton, and Rachael A. Honig, of the U.S. Attorney's Special Prosecutions Division, in Newark.

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Defense Counsel: Robert S. Fink, Esq. New York