
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
 :
 v. :
 :
 SAMUEL RIVERA :
 a/k/a "Sammy Rivera" : Mag. No. 07-

I, James J. Breen, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

From in or about July 2007 to in or about August 2007, in Passaic County, in the District of New Jersey and elsewhere, defendant

SAMUEL RIVERA
a/k/a "Sammy Rivera"

did knowingly and willfully attempt to obstruct, delay, and affect interstate commerce by extortion under color of official right, by soliciting and accepting a corrupt payment that was paid by another, with that person's consent.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.

James J. Breen, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
September 5, 2007, at Trenton, New Jersey

HONORABLE TONIANNE BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

ATTACHMENT A

I, James J. Breen, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have personally participated in this investigation and am aware of the facts contained herein, based upon my own investigation, as well as information provided to me by other law enforcement officers. Because this Attachment A is submitted for the limited purpose of establishing probable cause, I have not included herein the details of every aspect of the investigation. Statements attributable to individuals contained in this Attachment are related in substance and in part, except where otherwise indicated. All contacts discussed herein were recorded, except where otherwise indicated.

1. At all times relevant to this Complaint, defendant SAMUEL RIVERA, a/k/a "Sammy Rivera" (hereinafter "defendant RIVERA") was the elected mayor of the City of Passaic, New Jersey. As the chief executive officer for the City of Passaic, defendant RIVERA's duties included, but were not limited to: (a) enforcing Passaic's charter and ordinances and all general laws thereto; (b) supervising, directing and controlling all departments of municipal government; and (c) negotiating contracts for the municipality, subject to the approval of the City Council.

2. At all times relevant to this Complaint, two cooperating witnesses ("CW-1" and "CW-2") purported to be representatives of a company capable of providing insurance brokerage services to governmental entities (hereinafter the "Insurance Brokerage Business"). As represented by the CWs, the Insurance Brokerage Business was based in New Jersey, did business in various states, and paid for goods and services in interstate commerce.

3. Beginning in or about April 2007, an official (hereinafter "Official 1") received corrupt cash payments in exchange for Official 1's endeavoring to peddle Official 1's influence. At various times in or about July 2007, Official 1 stated that Official 1 could speak with defendant RIVERA to assist the Insurance Brokerage Business in obtaining insurance brokerage business from the City of Passaic.

4. On or about August 6, 2007, Official 1 arranged a meeting between defendant RIVERA and CW-2 at a restaurant in Passaic, New Jersey. During the meeting, defendant RIVERA, Official 1 and CW-2 discussed that the City of Passaic had not designated a "broker-of-record" for the a certain insurance contract. During the course of the meeting, defendant RIVERA indicated that he would exercise his official authority to assist the Insurance Brokerage Business in several ways, including: by having an RFQ ("request for qualifications") for the broker-of-record contract placed on the Passaic City Council agenda; by

contacting members of the Passaic City Council to secure their support for the Insurance Brokerage Business becoming the broker-of-record; and by agreeing to contact a key Passaic municipal employee (hereinafter "Key Employee 1") on behalf of the Insurance Brokerage Business. When CW-2 discussed the terms of a "deal" with defendant RIVERA, defendant RIVERA replied "don't worry about it, I'll help you out."

5. During the same conversation, CW-2 discussed the method by which a concealed, corrupt payment could be made to defendant RIVERA. Specifically, CW-2 stated that a \$50,000 payment could be made to defendant RIVERA by transferring funds to an offshore bank account in Switzerland and then having those funds transferred to the Dominican Republic. Defendant RIVERA replied, "don't worry about it, I wanna make sure [unintelligible] first."

6. On or about August 13, 2007, defendant RIVERA met CW-2 and Official 1 at a restaurant in Passaic, New Jersey. During the meeting, defendant RIVERA and CW-2 continued to discuss the insurance broker-of-record contract for the City of Passaic. CW-2 stated that securing the entire broker-of-record contract with the City of Passaic would yield the Insurance Brokerage Business in excess of \$1 million in commissions, but that the Insurance Brokerage Business was willing to share the contract with others if the entire contract could not be obtained. Defendant RIVERA replied, "I think I can get it. I can get you the broker of record, you know, the complete broker of record." Defendant RIVERA further stated that he would make an appointment for representatives of the Insurance Brokerage Business to meet with Key Employee 1 to draft the resolution, and he also could contact associates at the Passaic Housing Authority and Passaic Board of Education, in an attempt to secure similar contracts for the Insurance Brokerage Business from those entities.

7. During the same meeting, defendant RIVERA was informed by CW-2 that defendant RIVERA would be "looking at heavy numbers" (referring to the amount of corrupt payments to be paid to defendant RIVERA). Shortly thereafter, defendant RIVERA touted his influence over a majority of the seven-member Passaic City Council, stating, "I can get four votes easy, easy, easy." When CW-2 confirmed that only four of seven votes of the Council was needed, defendant RIVERA replied, "and I got 'em easy."

8. Later during the same meeting, defendant RIVERA touted his official influence at another government entity, as a means of securing more insurance brokerage business for the Insurance Brokerage Business. Specifically, defendant RIVERA stated that he, in conjunction with Official 1, would be able to control five of the seven commissioners of the Passaic Valley Water Commission

("PVWC"). (The PVWC was managed by a seven-member Board of Commissioners who were appointed by, among others, the mayor of the City of Passaic.)

9. After the conclusion of the meeting with Official 1, defendant RIVERA met CW-2 privately in a car parked in Passaic, New Jersey. During this meeting, defendant RIVERA accepted a \$5,000 cash payment in exchange for using his official influence and assistance in obtaining insurance brokerage business with (a) the City of Passaic and (b) the PVWC, in favor of the Insurance Brokerage Business. As CW-2 was providing the money to defendant RIVERA, CW-2 remarked, "it's only five thousand, but it's a start." When CW-2 stated that he liked defendant RIVERA's idea about getting business from the PVWC, defendant RIVERA responded, "[w]e have everybody there, everybody Between [Official 1] and I, we can get you that easy, easy."

10. On or about August 29, 2007, defendant RIVERA, Key Employee 1 and another key employee of the City of Passaic ("Key Employee 2") met with CW-1 and CW-2 in Passaic, New Jersey. During the meeting, defendant RIVERA advocated for having the Insurance Brokerage Business provide insurance brokerage services to the City of Passaic. When Key Employee 2 questioned the presentation of the Insurance Brokerage Business, defendant RIVERA concluded the meeting by stating, "I make the fucking decision. And the Council. And believe me, I've got the four fucking votes on the Council. So let's stop bullshitting, and let's get this thing rolling."