

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

CARLOS MONTOYA,

Defendant.

12CRIM 104

COUNT ONE

(Bribery)

The United States Attorney charges:

1. From in or about 2008 up to and including in or about the summer of 2010, in the Southern District of New York and elsewhere, CARLOS MONTOYA, the defendant, during the time when he was an agent of a local government and an agency thereof, to wit, the New York City Fire Department ("FDNY"), willfully, knowingly, and corruptly, solicited and demanded for the benefit of a person, and accepted and agreed to accept, something of value from a person, intending to be influenced in connection with a business, transaction, and series of transactions of such government and agency, involving something of value of \$5,000 and more, said government and agency receiving, in a one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance and other form of Federal assistance, to wit, MONTOYA agreed to and did

accept money and payments from individuals operating certain day care centers and, in exchange for those payments, created fraudulent certificates of occupancy for those day care centers.

(Title 18, United States Code, Sections 666(a)(1) and 2.)

FORFEITURE ALLEGATIONS

2. As a result of committing the offense alleged in Count One of this Information, CARLOS MONTOYA, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense.

Substitute Assets Provision

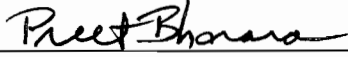
3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value;

or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981 and
Title 28, United States Code, Section 2461)



PREET BHARARA
United States Attorney