



***United States Attorney
Southern District of New York***

**FOR IMMEDIATE RELEASE
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**THREE CHARGED IN MULTIMILLION DOLLAR
COMMERCIAL BRIBERY SCHEME**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, and MARK J. MERSHON, Assistant Director-in-Charge of the New York Office of the Federal Bureau of Investigation ("FBI"), announced today the unsealing of an Indictment charging BENJAMIN CARDONA, KEVIN LYNCH, and WILFREDO HERNANDEZ with participating in a multimillion dollar commercial bribery scheme to defraud Gartner, Inc., ("Gartner"), an information technology company based in Connecticut. CARDONA, LYNCH, and HERNANDEZ surrendered to federal authorities earlier this morning. According to the Indictment filed in Manhattan federal court:

From at least September 2002 through March 2005, the defendants engaged in scheme in which HERNANDEZ and another co-conspirator ("CC-1") secretly paid kickbacks to CARDONA and LYNCH in exchange for CARDONA and LYNCH causing their employer, Gartner, to issue approximately \$3.1 million in contracts to companies controlled by HERNANDEZ and CC-1.

During the time period alleged in the Indictment, CARDONA was employed as a manager at Gartner and was responsible for the purchase of multimedia services and equipment. His boss was LYNCH, a supervisor at Gartner responsible for overseeing contracts for the hiring of temporary personnel and equipment rental.

HERNANDEZ was employed as a conductor for the Metro-North Railroad. HERNANDEZ also controlled two companies,

Falcon Studio Graphics and Video, Inc. ("Falcon") and Triumph Corporate Media, Inc. ("Triumph"), which purported to do business out of an address that served as HERNANDEZ's residence in Westchester County and a "virtual" office location in Manhattan. CC-1 also owned and operated two companies, Virtual Office Team, Inc. ("Virtual") and Strategic Media, Inc. ("Strategic"), which did business out of offices located in Manhattan. Virtual and Strategic provided temporary employees to Gartner to work on multimedia editing projects.

To disguise the commercial bribes they paid to CARDONA and LYNCH to secure contracts from Gartner, HERNANDEZ and CC-1 wrote checks, drawn on accounts held in the names of Falcon, Triumph, Virtual and Strategic, to a company controlled by another co-conspirator ("CC-2"). That company operated an adult-film website. CC-2 then wrote checks from that company's account to CARDONA, who shared the funds with LYNCH.

Each defendant is charged with commercial bribery, mail fraud, and money laundering, and with conspiring to commit those crimes. If convicted, each defendant faces a maximum sentence of fifty years in prison. They also face a maximum fine, on each of the commercial bribery, mail fraud, and conspiracy counts, of the greatest of \$250,000, or twice the gross gain or loss resulting from the crimes. On the money laundering count, they face a maximum fine of the greatest of \$500,000, twice the value of the laundered funds, or twice the gross gain or loss from the offense.

The defendants are expected to be arraigned in Manhattan federal court later today before United States Magistrate Judge HENRY B. PITMAN.

Mr. GARCIA praised the investigative work of the FBI.

This prosecution is being handled by the Major Crimes Unit of the United States Attorney's Office. Assistant United States Attorney THOMAS G.A. BROWN is in charge of the prosecution.

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

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