

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

**SUPERSEDING  
INDICTMENT**

- v. - :

S2 13 Cr. 161 (WHP)

ERIC STEVENSON, :  
IGOR BELYANSKY, :  
ROSTISLAV BELYANSKY, :  
a/k/a "Slava," :  
IGOR TSIMERMAN, and :  
DAVID BINMAN, :

Defendants.

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Background

The Defendants

1. At all times relevant to this Superseding Indictment, ERIC STEVENSON, the defendant, was a member of the New York State Assembly (the "Assembly"), representing District 79, which includes various neighborhoods in the Bronx. STEVENSON was first elected to the Assembly in or about November 2010 and assumed office in or about January 2011 for a two-year term. STEVENSON was reelected in or about November 2012 to a second two-year term. As a member of the Assembly, STEVENSON's official duties include sponsoring and voting on statewide legislation, and representing and advocating for the interests of his constituents.

2. At all times relevant to this Superseding

Indictment, IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, were individuals who, during 2012 and 2013, were seeking to open and manage adult day care centers in the Bronx, New York, including one on Westchester Avenue (the "Westchester Avenue Center"), within the Assembly District of ERIC STEVENSON, the defendant, and one on Jerome Avenue (the "Jerome Avenue Center"), within the Assembly District of another member of the Assembly ("ASSEMBLYMAN-1"). ASSEMBLYMAN-1 has been cooperating with the Government since prior to January 2012.

#### Overview of the Two Bribery Schemes

3. From at least in or about January 2012 through in or about February 2012, IGOR BELYANSKY and IGOR TSIMERMAN, the defendants, engaged in a scheme to bribe ASSEMBLYMAN-1.

a. On or about January 6, 2012, ASSEMBLYMAN-1, who was cooperating with the Government at the time, met with IGOR BELYANSKY, TSIMERMAN, and an individual who subsequently began cooperating with the Government (the "CW") to discuss BELYANSKY's and TSIMERMAN's plans to open an adult day care center in the Bronx (the "January 6<sup>th</sup> Meeting"). An "adult day care center" is a non-residential facility providing meals, activities, social and recreational outings, and general supervision for the elderly and/or individuals with disabilities with a variety of medical needs.

b. During the January 6<sup>th</sup> Meeting, TSIMERMAN told ASSEMBLYMAN-1, in substance and in part, that ASSEMBLYMAN-1 would be provided with "special treatment" in return for ASSEMBLYMAN-1's assistance with the proposed adult day care center.

c. On or about January 27, 2012, IGOR BELYANSKY and TSIMERMAN paid a \$12,000 cash bribe to ASSEMBLYMAN-1, who was cooperating with the Government at the time, in exchange for official actions by ASSEMBLYMAN-1 to help develop and promote the adult day care center that IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," and TSIMERMAN, the defendants, were seeking to open in the Bronx.

4. From at least in or about April 2012 through in or about April 2013, IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, made multiple bribe payments to another member of the Assembly, ERIC STEVENSON, the defendant, in exchange for STEVENSON taking official action to benefit adult day care centers owned and/or controlled by IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and/or BINMAN.

a. On or about July 25, 2012, as an initial bribe payment to STEVENSON, ROSTISLAV BELYANSKY gave the CW a \$2,000 check made out to STEVENSON's Assembly campaign committee (the "July 25<sup>th</sup> Check"). On or about July 26, 2012, the CW gave the July 25<sup>th</sup> Check to STEVENSON.

b. On or about September 7, 2012, IGOR BELYANSKY

and ROSTISLAV BELYANSKY gave \$10,000 cash to STEVENSON in exchange for STEVENSON's assistance (1) contacting Con Edison to expedite the installation of a gas line in the Jerome Avenue Center; (2) obtaining a Certificate of Occupancy from the New York City Buildings Department (the "Buildings Department") for the Jerome Avenue Center; and (3) recruiting senior citizens to attend the Westchester Avenue Center. Following the receipt of this bribe, STEVENSON, in his official capacity as a member of the Assembly, took steps to provide this assistance, including contacting and/or directing his Assembly staff to contact Con Edison and the Buildings Department, and hosting events to recruit senior citizens to attend the Westchester Avenue Center. STEVENSON gave the CW \$1,500 of this bribe as compensation for the CW's assistance in obtaining the bribe, and promised to pay the CW an additional \$500.

c. On or about January 11, 2013, IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and BINMAN paid \$5,000 cash to STEVENSON in exchange for STEVENSON's assistance drafting, proposing, and enacting legislation that would establish a temporary moratorium on the construction and/or opening of new adult day care centers in New York City (the "Moratorium Legislation"), which would have had the effect of limiting competition with the Jerome Avenue Center and the Westchester Avenue Center. On or about February 16, 2013, after STEVENSON showed the CW a copy of a draft of the Moratorium Legislation,

ROSTISLAV BELYANSKY paid an additional \$5,000 cash bribe to STEVENSON. With STEVENSON's knowledge, the CW took \$500 from these two \$5,000 bribes as compensation for the CW's assistance to STEVENSON in obtaining the bribes.

d. On or about February 5, 2013, the CW gave STEVENSON two checks totaling \$1,700, which were signed by BINMAN, to pay the expenses for an event organized by STEVENSON to, among other things, recruit senior citizens in STEVENSON's Assembly district to attend the Westchester Avenue Center. Shortly thereafter, BINMAN gave the CW a third check for \$1,200 to pay the expenses for a second event that STEVENSON organized in his Assembly district to, among other things, recruit senior citizens to attend the Westchester Avenue Center.

e. On or about February 20, 2013, in exchange for the bribe payments from IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and BINMAN, STEVENSON, in his official capacity as a member of Assembly, formally introduced the Moratorium Legislation in the Assembly.

5. During 2012 and 2013, in a one year period, the State of New York was in receipt of benefits in excess of \$10,000 under various Federal programs. For example, New York State received in excess of \$10,000 in Federal grants during 2012 and 2013 as part of the Medicaid program in which Federal, state, and local dollars are combined to fund the program.

COUNT ONE

(Honest Services Fraud Conspiracy)

The Grand Jury charges:

6. The allegations set forth in paragraphs 1 through 5 are repeated and realleged as if set forth fully herein.

7. From at least in or about April 2012, up to and including in or about April 2013, in the Southern District of New York and elsewhere, ERIC STEVENSON, IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 1343 and 1346 of Title 18, United States Code.

8. It was a part and object of the conspiracy that ERIC STEVENSON, IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and to deprive New York State and its citizens of their intangible right to STEVENSON's honest services as a member of the New York State Assembly, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, willfully and knowingly would and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs,

signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Sections 1343 and 1346 of Title 18 of the United States Code.

Overt Acts

9. In furtherance of the conspiracy and to effect the illegal object thereof, ERIC STEVENSON, IGOR BELYANSKY, ROSTISLAV BELYANKSY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about September 7, 2012, at a meeting in the Bronx, New York, attended by STEVENSON, IGOR BELYANSKY, ROSTISLAV BELYANSKY, and the CW, IGOR BELYANSKY handed STEVENSON an envelope containing \$10,000 in cash ("Envelope-1").

b. On or about September 20, 2012, at a meeting in the Bronx, New York, STEVENSON informed the CW that STEVENSON had spoken to STEVENSON's contact at Con Edison.

c. On or about December 26, 2012, TSIMERMAN and ROSTISLAV BELYANKSY received an email from the contractor helping to build the Jerome Avenue Center (the "Contractor") in which the Contractor urges TSIMERMAN and ROSTISLAV BELYANKSY to ask STEVENSON to request that the Buildings Department review and approve an application for heating and air conditioning at the Jerome Avenue Center.

d. On or about December 27, 2012, at a meeting in

Manhattan, STEVENSON told the CW that STEVENSON could obtain approximately \$50,000 of New York State public financing for the adult day care centers owned and/or operated by IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and BINMAN, half of which could then be kicked back to STEVENSON.

e. On or about January 3, 2013, TSIMERMAN received an email from the CW concerning a legislative proposal, which TSIMERMAN then discussed with the CW over the telephone.

f. On or about January 11, 2013, IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and BINMAN each brought \$1,000 or more in cash to a lunch meeting in the Bronx, New York.

g. On or about January 11, 2013, following a lunch meeting in the Bronx, New York, IGOR BELYANSKY handed an envelope containing a total of \$5,000 in cash ("Envelope-2") to the CW, which included money from IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and BINMAN.

h. On or about January 11, 2013, in the Bronx, New York, STEVENSON accepted Envelope-2 from the CW, after the CW had removed \$500.

i. On or about January 31, 2013, at a meeting in the Bronx, New York, STEVENSON showed the CW a draft of proposed legislation for the New York State Assembly based on the proposal described above in paragraph 9(d).

j. On or about February 16, 2013, at a meeting in

Albany, New York, ROSTISLAV BELYANSKY handed the CW \$5,000 in cash for the CW to give to STEVENSON.

k. On or about February 16, 2013, at a meeting in Albany, New York, STEVENSON accepted \$4,500 in cash from the CW.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Bribery and Travel Act Conspiracy)

The Grand Jury further charges:

10. The allegations set forth in paragraphs 1 through 5 are repeated and realleged as if set forth fully herein.

11. From at least in or about April 2012, up to and including in or about April 2013, in the Southern District of New York and elsewhere, ERIC STEVENSON, IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 666(a)(1)(B), 666(a)(2), and 1952(a)(3).

12. It was a part and an object of the conspiracy that ERIC STEVENSON, the defendant, being an agent of a state government, to wit, the government of New York State, would and did corruptly solicit and demand for the benefit of a person and accept and agree to accept something of value from a person, intending to

be influenced and rewarded in connection with a business, transaction, and series of transactions of such government, involving something of value of \$5,000 and more, while New York State was in receipt of, in any 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, in violation of Title 18, United States Code, Section 666(a)(1)(B).

13. It was further a part and an object of the conspiracy that IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, would and did corruptly give, offer, and agree to give something of value to a person, with intent to influence and reward an agent of the government of New York State, in connection with a business, transaction, and series of transactions of such government, involving something of value of \$5,000 or more, while New York State was in receipt of, in any 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, in violation of Title 18, United States Code, Section 666(a)(2).

14. It was further a part and an object of the conspiracy that ERIC STEVENSON, IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the

defendants, would and did travel in interstate commerce and use and cause to be used the mail and facilities in interstate commerce with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, to wit, the making of corrupt payments to STEVENSON, in violation of New York Penal Law Sections 200.00 and 200.10, and thereafter would and did perform and attempt to perform an act to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3).

Overt Acts

15. In furtherance of the conspiracy and to effect the illegal objects thereof, ERIC STEVENSON, IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about September 7, 2012, at a meeting in the Bronx, New York, attended by STEVENSON, IGOR BELYANSKY, ROSTISLAV BELYANSKY, and the CW, IGOR BELYANSKY handed STEVENSON Envelope-1 containing \$10,000 in cash.

b. On or about September 20, 2012, at a meeting in the Bronx, New York, STEVENSON informed the CW that STEVENSON had spoken to STEVENSON's contact at Con Edison.

c. On or about December 26, 2012, TSIMERMAN and ROSTISLAV BELYANKSY received an email from the contractor helping to build the Jerome Avenue Center (the "Contractor") in which the Contractor urges TSIMERMAN and ROSTISLAV BELYANKSY to ask STEVENSON to request that the Buildings Department review and approve an application for heating and air conditioning at the Jerome Avenue Center.

d. On or about December 27, 2012, at a meeting in Manhattan, STEVENSON told the CW that STEVENSON could obtain approximately \$50,000 of New York State public financing for the adult day care centers owned and/or operated by IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and BINMAN, half of which could then be kicked back to STEVENSON.

e. On or about January 3, 2013, TSIMERMAN received an email from the CW concerning a legislative proposal, which TSIMERMAN then discussed with the CW over the telephone.

f. On or about January 10, 2013, STEVENSON sent a text message from STEVENSON's cellular telephone to the CW's cellular telephone in which STEVENSON asked the CW to "Text me where we having lunch" the following day.

g. On or about January 11, 2013, IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and BINMAN each brought \$1,000 or more in cash to a lunch meeting in the Bronx, New York.

h. On or about January 11, 2013, following a lunch

meeting in the Bronx, New York, IGOR BELYANSKY handed Envelope-2, containing a total of \$5,000 in cash, to the CW, which included money from IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and BINMAN.

i. On or about January 11, 2013, in the Bronx, New York, STEVENSON accepted Envelope-2 from the CW, after the CW had removed \$500.

j. On or about January 31, 2013, at a meeting in the Bronx, New York, STEVENSON showed the CW a draft of proposed legislation for the New York State Assembly.

k. On or about February 16, 2013, at a meeting in Albany, New York, ROSTISLAV BELYANSKY handed the CW \$5,000 in cash for the CW to give to STEVENSON.

l. On or about February 16, 2013, at a meeting in Albany, New York, STEVENSON accepted \$4,500 in cash from the CW.

(Title 18, United States Code, Section 371.)

COUNT THREE

(Bribery)

The Grand Jury further charges:

16. The allegations set forth in paragraphs 1 through 5 are repeated and realleged as if set forth fully herein.

17. From at least in or about April 2012, up to and including in or about April 2013, in the Southern District of New York and elsewhere, ERIC STEVENSON, the defendant, being an

agent of a State government, to wit, the government of New York State, 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 and rewarded in connection with a business, transaction, and series of transactions of such government involving something of value of \$5,000 and more, while such government was in receipt of, in any 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, STEVENSON solicited, agreed to accept, and accepted payments totaling approximately \$22,000, intending to be influenced and rewarded for actions that STEVENSON took, and agreed to take in the future, in his capacity as a member of the New York State Assembly.

(Title 18, United States Code, Section 666(a)(1)(B).)

COUNT FOUR

(Bribery)

The Grand Jury further charges:

18. The allegations set forth in paragraphs 1 through 5 are repeated and realleged as if set forth fully herein.

19. From at least in or about April 2012, up to and including in or about April 2013, in the Southern District of New York and elsewhere, IGOR BELYANSKY, ROSTISLAV BELYANSKY,

a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, willfully, knowingly, and corruptly gave, offered, and agreed to give something of value to a person, with intent to influence and reward an agent of a State government, to wit, the government of New York State, in connection with a business, transaction, and series of transactions of such government involving something of value of \$5,000 and more, while such government was in receipt of, in any 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, IGOR BELYANSKY, ROSTISLAV BELYANSKY, TSIMERMAN, and BINMAN offered, agreed to give, and gave payments totaling approximately \$22,000 directly and indirectly to ERIC STEVENSON, the defendant, during the time that he was a member of the New York State Assembly, with the intent to influence and reward STEVENSON for official acts STEVENSON took, and agreed to take in the future, in his capacity as a member of the New York State Assembly.

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

**COUNT FIVE**

(Extortion Under Color of Official Right)

20. The allegations set forth in paragraphs 1 through 5 are repeated and realleged as if set forth fully herein.

21. From at least in or about April 2012, up to and

including in or about April 2013, in the Southern District of New York and elsewhere, ERIC STEVENSON, the defendant, while serving as a member of the New York State Assembly, willfully and knowingly did commit extortion as that term is defined in Title 18, United States Code, Section 1951(b)(2), that is, by obtaining payments totaling approximately \$22,000 from, and with the consent of, other individuals as described in paragraphs 1 through 5 of this Superseding Indictment, such consent having been induced under color of official right, and that extortion did thereby obstruct, delay, and effect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT SIX

(Travel Act Conspiracy)

The Grand Jury further charges:

22. The allegations set forth in paragraphs 1 through 5 are repeated and realleged as if set forth fully herein.

23. From at least in or about January 2012, up to and including in or about February 2012, in the Southern District of New York and elsewhere, IGOR BELYANSKY and IGOR TSIMERMAN, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with others to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1952(a)(3).

violate Title 18, United States Code, Section 1952(a)(3).

24. It was a part and an object of the conspiracy that IGOR BELYANSKY and IGOR TSIMERMAN, the defendants, would and did travel in interstate commerce and use and cause to be used the mail and facilities in interstate commerce with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, to wit, the making of a corrupt payment to ASSEMBLYMAN-1, in violation of New York Penal Law Sections 200.00 and 200.10, and thereafter would and did perform and attempt to perform an act to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3).

#### Overt Acts

25. In furtherance of the conspiracy and to effect the illegal object thereof, IGOR BELYANSKY and IGOR TSIMERMAN, the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about January 22, 2012, the CW, who was not yet cooperating with the Government, spoke with ASSEMBLYMAN-1, who was cooperating with the Government at the time, over the telephone to schedule a meeting to discuss ASSEMBLYMAN-1's relationship with IGOR BELYANSKY and TSIMERMAN.

b. On or about January 27, 2012, during a meeting in the Bronx, New York (the "January 27<sup>th</sup> Meeting"), IGOR BELYANSKY, TSIMERMAN, ASSEMBLYMAN-1, who was cooperating with the Government at the time, and the CW, who was not yet cooperating with the Government, discussed plans for an adult day care center in the Bronx, and ASSEMBLYMAN-1's future efforts to ensure the opening and operation of this adult day care center.

c. During the January 27<sup>th</sup> Meeting, TSIMERMAN handed ASSEMBLYMAN-1 envelopes containing a total of approximately \$12,000 in cash.

(Title 18, United States Code, Section 371.)

**Forfeiture Allegations**

26. As a result of committing one or more offenses in violation of Title 18, United States Code, Sections 2, 371, 1349, 666(a)(2), 666(a)(1)(B), and 1951(a), as charged in Counts One through Six of this Superseding Indictment, ERIC STEVENSON, IGOR BELYANSKY, ROSTISLAV BELYANSKY, a/k/a "Slava," IGOR TSIMERMAN, and DAVID BINMAN, the defendants, 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 or personal, constituting or derived from proceeds traceable to said offenses, including but not limited to a sum of United States currency representing the amount of the proceeds obtained by the defendants as a result of the charged offenses.

Substitute Asset Provision

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

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981;  
Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461.)

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FOREPERSON

Preet Bharara  
PREET BHARARA *BPM*  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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- v. -

ERIC STEVENSON,  
IGOR BELYANSKY,  
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Defendants.

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SUPERSEDING INDICTMENT

S2 13 Cr. 161 (WHP)

(18 U.S.C. §§ 1349, 371, 666(a)(1)(B),  
666(a)(2), 1951, and 2.)

PREET BHARARA

United States Attorney.

A TRUE BILL

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Foreperson.

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