

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
: :
: :
v. : Criminal No.
: :
: :
BENEDETTO BIGICA : 18 U.S.C. § 371

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

Count 1

(Conspiracy to Violate the Federal Election Campaign Act - Contributions to a Federal Candidate in the Names of Other Persons)

1. At all times relevant to this Information:

Defendant BENEDETTO BIGICA

(a) Defendant BENEDETTO BIGICA was an owner and the President of Open MRI & Imaging of Newark, PA, a private radiology imaging center. Defendant BENEDETTO BIGICA's personal residence was located in Elmwood Park, New Jersey.

Conspirator JOSEPH BIGICA

(b) Joseph Bigica was defendant BENEDETTO BIGICA's brother and co-conspirator (together referred to hereinafter as the "BIGICA brothers"). Joseph Bigica individually, and through his companies Joseph Bigica Inc. and Joseph Bigica LLC (collectively referred to hereinafter as the "Bigica Companies"), was an

independent insurance broker.

The Federal Campaign Committee

(c) Committee A served as the principal campaign committee for an individual who was a candidate for federal office. Committee A was renamed Committee B, which served as the principal campaign committee for the same individual who became a candidate for another federal office. Committee A and Committee B (collectively referred to hereinafter the "Committee") were authorized to receive contributions and make expenditures for this federal candidate.

(d) As the principal campaign committee for this federal candidate, the Committee was subject to the reporting provisions and campaign financing limitations and prohibitions of the Federal Election Campaign Act, 2 U.S.C. §§ 431-455 ("FECA").

(e) The Federal Election Commission (the "FEC") was an independent regulatory agency established to administer and enforce FECA. FECA limited the sources and amounts of contributions used to finance federal elections and required public disclosure of campaign finance information. FECA also governed the making and reporting of contributions to federal candidates. Specifically, FECA:

- (1) limited the amount of contributions from individuals to federal candidates;
- (2) prohibited contributions by one person in the name of another person ("Straw Contributions"); and

(3) required a political committee authorized by a federal candidate to file periodic reports with the FEC identifying each person who made a contribution during the reporting period that exceeded \$200.

(f) Specific provisions of FECA governed the making and reporting of campaign contributions. These included the following provisions:

(1) The maximum individual contribution (per election) allowed by law to any federal candidate or his or her authorized political committee was \$2,100 for the calendar years 2005-2006 and \$2,300 for calendar years 2007-2008.

(2) It was unlawful to make contributions in the name of another person or knowingly permit one's name to be used to effect such contributions (the person in whose name such a contribution is made is known as a "Straw Contributor").

(3) The Committee was required to have a treasurer who had to make a written record of all funds received as contributions to the political committee and to authorize all expenditures.

(4) The Committee, by its treasurer, was required to file quarterly reports and pre-election and post-election reports with the FEC identifying each person who made a contribution during the reporting period

whose contributions or contributions for that election cycle aggregated to over \$200.

(5) The FEC was responsible for providing accurate information to the public about the amounts and sources of campaign contributions, and it used these quarterly reports to administer and enforce FECA.

The Conspiracy

2. From in or about April 2005 to in or about April 2008, in the District of New Jersey, and elsewhere, defendant

BENEDETTO BIGICA

did knowingly and intentionally conspire with others to:

(a) knowingly and willfully make contributions to a candidate for federal office in the names of other persons, aggregating more than \$10,000 in calendar year 2005, in violation of Title 2, United States Code, Sections 437g(d)(1)(D)(i) and 441f;

(b) knowingly and willfully make contributions to a candidate for federal office in the names of other persons, aggregating \$2,000 and more in calendar year 2007, in violation of Title 2, United States Code, Sections 437g(d)(1)(A)(ii) and 441f; and

(c) knowingly and willfully make contributions to a candidate for federal office in the names of other persons, aggregating \$2,000 in calendar year 2008, in violation of Title 2, United States Code, Sections 437g(d)(1)(A)(ii) and

441f.

Object of the Conspiracy

3. The principal object of the conspiracy was to circumvent FECA's limits on the amount of money an individual could lawfully contribute to a federal candidate by having Straw Contributions made to the Committee in the names of defendant BENEDETTO BIGICA and others.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that, from in or about April 2005 to in or about April 2008, defendant BENEDETTO BIGICA was provided with money by Joseph Bigica to fund and reimburse defendant BENEDETTO BIGICA for checks made payable to the Committee that he issued from an account in his name, which checks were sent to the Committee and deposited into the Committee's bank account.

5. It was further part of the conspiracy that Joseph Bigica directly and indirectly contacted and recruited as Straw Contributors two relatives of the BIGICA brothers (referred to hereinafter as "STRAW CONTRIBUTOR 1" and "STRAW CONTRIBUTOR 2").

6. It was further part of the conspiracy that the following Straw Contributions were made as set forth in the tables below showing the dates on or about which the Committee received such contributions:

Straw Contributor in 2005	Approximate Amount	Date Received by the Committee
Defendant BENEDETTO BIGICA	\$1,900	4/04/2005

Defendant BENEDETTO BIGICA	\$2,100	4/04/2005
STRAW CONTRIBUTOR 1	\$2,100	6/30/2005
STRAW CONTRIBUTOR 1	\$2,100	6/30/2005
STRAW CONTRIBUTOR 2	\$2,100	4/04/2005
STRAW CONTRIBUTOR 2	\$1,900	4/04/2005
TOTAL IN 2005	\$12,200	
Straw Contributor in 2007	Approximate Amount	Date Received by the Committee
Defendant BENEDETTO BIGICA	\$2,300	4/17/2007
Defendant BENEDETTO BIGICA	\$300	4/17/2007
STRAW CONTRIBUTOR 1	\$2,300	5/07/2007
STRAW CONTRIBUTOR 2	\$2,300	5/07/2007
TOTAL IN 2007	\$7,200	
Straw Contributor in 2008	Approximate Amount	Date Received by the Committee
Defendant BENEDETTO BIGICA	\$2,000	4/09/2008
TOTAL IN 2008	\$2,000	

Overt Acts

7. In furtherance of the conspiracy and to effectuate the objects thereof, defendant BENEDETTO BIGICA, Joseph Bigica, and others committed and caused to be committed the following overt acts, among others, in the District of New Jersey and elsewhere:

(a) Joseph Bigica caused his spouse to issue a check in the amount of \$4,000, dated April 2, 2005, drawn on an account in her name and made payable to defendant BENEDETTO BIGICA to provide money for Straw Contributions.

(b) Defendant BENEDETTO BIGICA issued a check in the amount of \$4,000, in or about April 2005, drawn on an account in his name and made payable to the Committee.

(c) Joseph Bigica caused his spouse to issue a check in the amount of \$4,000, dated April 2, 2005, drawn on an account in her name and made payable to STRAW CONTRIBUTOR 2 to

provide money for Straw Contributions.

(d) Joseph Bigica caused STRAW CONTRIBUTOR 2 to issue a check in the amount of \$4,000, dated May 2, 2005, drawn on an account in the names of STRAW CONTRIBUTOR 1 and STRAW CONTRIBUTOR 2 and made payable to the Committee.

(e) Joseph Bigica caused an official check to be issued in the amount of \$4,200, dated June 29, 2005, naming STRAW CONTRIBUTOR 1 as the remitter and made payable to the Committee.

(f) Joseph Bigica issued a check in the amount of \$2,600, dated April 15, 2007, drawn on an account in the name of one of the Bigica Companies and made payable to cash to provide money for Straw Contributions. This check was deposited into an account in the name of defendant BENEDETTO BIGICA.

(g) Defendant BENEDETTO BIGICA issued a check in the amount of \$2,600, dated April 15, 2007, drawn on an account in his name and made payable to the Committee.

(h) Joseph Bigica issued a check in the amount of \$4,600, dated April 17, 2007, drawn on an account in the name of one of the Bigica Companies and made payable to cash to provide money for Straw Contributions. This check was deposited into an account in the names of STRAW CONTRIBUTOR 1 and STRAW CONTRIBUTOR 2.

(i) Joseph Bigica caused STRAW CONTRIBUTOR 2 to issue a check in the amount of \$4,600, dated April 20, 2007, drawn

on an account in the names of STRAW CONTRIBUTOR 1 and STRAW CONTRIBUTOR 2 and made payable to the Committee.

(j) Defendant BENEDETTO BIGICA issued a check in the amount of \$4,600, in or about April 2008, drawn on an account in his name and made payable to the Committee, of which \$2,600 was returned to him by the Committee in or about April 2008.

(k) Joseph Bigica provided funds for the net \$2,000 Straw Contribution made in defendant BENEDETTO BIGICA's name in or about April 2008.

In violation of Title 18, United States Code, Section 371.


PAUL J. FISHMAN
United States Attorney