

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
	:	
UNITED STATES OF AMERICA	:	
	:	<u>INDICTMENT</u>
- v -	:	
	:	14 Cr. <u>440</u>
THOMAS W. LIBOUS,	:	
	:	
Defendant.	:	
	:	
-----X	:	

COUNT ONE

(False Statements to the FBI)

The Grand Jury charges:

BACKGROUND

1. Unless stated otherwise, at all times relevant to this Indictment:

Relevant Individuals and Entities

a. From 1989 to the present, THOMAS W. LIBOUS, the defendant, was a New York State Senator for the 52nd Senate District. That District covered Broome, Tioga, Chenango and Delaware Counties. LIBOUS has served as the Deputy Majority Leader, the Deputy Minority Leader and as Chairman of several Senate committees. From 2005 to 2008, LIBOUS chaired the Transportation Committee, which oversaw the work of the Department of Transportation, Department of Motor Vehicles, the Thruway Authority and other agencies.

b. Law Firm 1 was a law firm in Westchester County, New York.

c. Lobbying Firm 1 was a lobbying and communications firm in Albany, New York. Lobbying Firm 1 held itself out as having expertise in, among other things, transportation issues. Lobbying Firm 1 lobbied LIBOUS and members of his New York State Senate staff on behalf of its clients.

#### The Investigation


2. Beginning in or about March 2010, the Federal Bureau of Investigation ("FBI") and the Internal Revenue Service - Criminal Investigation ("IRS") were assisting a federal grand jury sitting in White Plains, New York in its investigation into allegations that: a) THOMAS W. LIBOUS, the defendant, had obtained a job for his son at Law Firm 1 in exchange for LIBOUS' promise to steer future business to Law Firm 1; and b) Libous caused Lobbying Firm 1 to pay \$50,000 annually to Law Firm 1 to defray the cost of: i) the inflated salary that LIBOUS requested Law Firm 1 to pay to his son; and ii) a lease of a Range Rover for LIBOUS' son, the payments for which LIBOUS guaranteed. Among other things, the grand jury and the FBI and IRS were investigating whether LIBOUS told a partner of Law Firm 1 that the firm would have to "build a new wing" to accommodate the business it would receive if it hired his son.

3. On or about June 24, 2010, Special Agents of the FBI interviewed THOMAS W. LIBOUS, the defendant, as part of the investigation. During that interview, LIBOUS falsely stated in substance and in part ("the False Statements") that:

- a. he could not recall how his son began to work at Law Firm 1;
- b. no deals were made to get his son the job at Law Firm 1;
- c. he was not aware that Lobbying Firm 1 had paid any part of his son's salary at Law Firm 1;
- d. he never promised to refer work to Law Firm 1;
- e. he was not involved in his son's decision to work at Law Firm 1;
- f. he had no business or personal relationship with Law Firm 1; and
- g. he did not know of any relationship between Lobbying Firm 1 and Law Firm 1.

4. On or about June 24, 2010, in the Southern District of New York and elsewhere, THOMAS W. LIBOUS, the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully did falsify, conceal, and cover up material facts by trick, scheme, and device and did make materially false, fictitious, and fraudulent statements and representations, to wit, LIBOUS made the False Statements to the FBI.

(Title 18, United States Code, Section 1001.)

  
FOREPERSON  
United States Attorney

  
PREET BHARARA