

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
 : INFORMATION
- v. - :
 : 21 Cr. ____
VICTOR RIVERA, :
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- - - - - X

COUNT ONE
(Honest Services Fraud Conspiracy)

The United States Attorney charges:

1. At all times relevant to this Information, VICTOR RIVERA, the defendant, was the President and Chief Executive Officer ("CEO") of a non-profit housing and social services organization ("Organization-1") that, among other things, operated soup kitchens, homeless shelters, and affordable-housing facilities in New York City. Organization-1 annually spent millions of dollars in public funds on real estate, security, cleaning, construction, and food expenses, among other costs related to services Organization-1 provided.

2. From at least in or about 2013 until in or about 2020, VICTOR RIVERA, the defendant, engaged in a scheme to enrich himself and his relatives by soliciting and accepting bribes and kickbacks from contractors doing work related to or for Organization-1. The scheme yielded RIVERA at least hundreds of thousands of dollars in illicit gains.

3. VICTOR RIVERA, the defendant, laundered some of the corrupt payments through intermediary entities he controlled. For example, from in or about 2019 until in or about 2020, co-conspirators who subleased property to Organization-1 wrote checks for purported consulting fees--which were in fact kickback payments--to a purported consulting company ("Consulting Company-1") nominally owned by one of RIVERA's relatives. RIVERA then used the Consulting Company-1 funds for his own benefit, including by writing or causing others to write official checks from Consulting Company-1's bank account to pay down the mortgage on his personal residence.

Statutory Allegations

4. From at least in or about 2013 until in or about 2020, in the Southern District of New York and elsewhere, VICTOR RIVERA, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1343 and 1346.

5. It was a part and an object of the conspiracy that VICTOR RIVERA, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and to deprive Organization-1 of its intangible right to the honest services of its President and CEO, 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 Title 18, United States Code, Sections 1343 and 1346, to wit, RIVERA and his co-conspirators devised a scheme in which RIVERA directed contracts related to Organization-1 to the co-conspirators' businesses in exchange for bribes and kickbacks.

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

COUNT TWO
(Honest Services Fraud)

The United States Attorney further charges:

6. The allegations in paragraphs 1 through 3 of this Information are repeated and realleged as if fully set forth herein.

7. From at least in or about 2013 until in or about 2020, in the Southern District of New York and elsewhere, VICTOR RIVERA, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and to deprive Organization-1 of its intangible right to his honest services as Organization-1's President and CEO, transmitted and caused 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, to wit, RIVERA solicited and accepted bribes and

kickbacks in exchange for directing contracts related to Organization-1 to certain businesses.

(Title 18, United States Code, Sections 1343, 1346, and 2.)

COUNT THREE
(Money Laundering)

The United States Attorney further charges:

8. The allegations in paragraphs 1 through 3 of this Information are repeated and realleged as if fully set forth herein.

9. From at least in or about 2019 up to and including in or about 2020, VICTOR RIVERA, the defendant, knowing that the property involved in certain financial transactions, to wit, checks written from a Consulting Company-1 bank account, represented the proceeds of some form of unlawful activity, willfully and knowingly conducted and attempted to conduct such financial transactions which in fact involved the proceeds of specified unlawful activity, to wit, the proceeds of the honest services wire fraud scheme charged in Counts One and Two of this Information, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of a specified unlawful activity.

(Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.)

FORFEITURE ALLEGATIONS

10. As a result of committing the offenses alleged in Counts One and Two of this Information, VICTOR RIVERA, 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(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

11. As a result of committing the offense alleged in Count Three of this Information, VICTOR RIVERA, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offense, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offense.

Substitute Assets Provision

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

- 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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)


AUDREY STRAUSS
United States Attorney

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(18 U.S.C. §§ 1343, 1346, 1349, 1956,
and 2)

AUDREY STRAUSS

United States Attorney
