

CRIMINAL COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

THE PEOPLE OF THE STATE OF NEW YORK

-against-

ALBERT ALVAREZ,

Defendant.

FELONY COMPLAINT

Kevin B. Frankel
Assistant Attorney General
212-416-6278

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

I, STEVEN BROOMER, a Police Investigator with the New York State Office of the Attorney General, Shield No. 2440, located at 120 Broadway, New York, NY 10271, depose and state the following:

From on or about January 11, 2013, to on or about September 6, 2013, in New York County and elsewhere in the State of New York, the defendant committed the offense of:

OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE (7 counts), in violation of § 175.35(1) of the Penal Law of the State of New York (a class E Felony), in that the defendant knowing that written instrument contained a false statement or false information and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, offered or presented it to a public office or public servant with the knowledge or belief that it would be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation.

GRAND LARCENY IN THE THIRD DEGREE (1 count), in violation of § 155.35 of the Penal Law of the State of New York (a class D Felony), in that the defendant stole property from the New York City Campaign Finance Board, and the value of the property exceeded three thousand dollars.

FACTUAL BASIS

These crimes were committed under the following circumstances:

1. This felony complaint is based upon information and belief. The source of my information and the grounds for my belief are: the investigation conducted by the New York City Department of Investigation (“DOI”); the investigation conducted by the Office of the New York State Comptroller (“OSC”); interviews of individuals known to the OAG who have been employed or are currently employed by a New York City based entity (“Entity 1”) (which is the prior place of employment for Anna Mendez and George Gonzalez, both of whom were charged on January 10, 2018, in connection with this matter); a review of the defendant’s public campaign records; a review of campaign disclosure information on the New York State Board of Elections (“BOE”) and New York City Campaign Finance Board (“CFB”) websites; and notes and information from the Office of the New York State Attorney General, among other sources.
2. I am informed by multiple Entity 1 employees that Anna Mendez and George Gonzalez were employed by Entity 1 during January 2013.
3. I am informed by CFB and BOE records that Albert Alvarez was a candidate for Councilman in New York City Council District 15 in or about 2013. Alvarez ran in the September 10, 2013 Democratic primary and lost.
4. I am informed by CFB and BOE records that Alvarez reported receiving

campaign contributions from six Entity 1 employees in January 2013.

5. I am informed by multiple Entity 1 employees that the contributions purportedly made by the six Entity 1 employees noted in the preceding paragraph were actually paid with funds supplied by Gonzalez with Mendez' knowledge and assistance. Mendez and Gonzalez agreed to fund political candidates using straw donors to mask the true source of the funds. Specifically, Mendez authorized Gonzalez to take cash belonging to Entity 1 and use it to make political contributions to Alvarez. Mendez gave Gonzalez access to cash from the safe in her office for that purpose.

6. I am informed by Entity 1 employees that on or about January 11, 2013, Alvarez visited Entity 1. Gonzalez gathered certain employees and instructed the employees to fill out contribution cards that stated in relevant part: "I understand that State law requires that a contribution be in my name and be from my own funds. I hereby affirm that this contribution is being made from my personal funds, is not being reimbursed in any manner, and is not being made as a loan."

7. I am informed by CFB records that the Entity 1 employees who purportedly made the reported donations to Alvarez did so by either check or money order.

8. I am informed by Entity 1 employees that those who contributed by check were reimbursed by Gonzalez in cash. In Alvarez' presence, Gonzalez also gave Entity 1 employees cash to purchase non-sequential money orders from nearby vendors. The employees returned with the money orders and gave them to Gonzalez while Alvarez watched. Alvarez continued to watch as Gonzalez then distributed the money orders and campaign contribution cards to the assembled employees. In Alvarez' presence, Gonzalez instructed the employees to fill out the

money orders and contribution cards using the employees' own names. Gonzalez then collected the money orders and the contribution cards and gave them to Alvarez.

9. Each contribution purporting to be from an Entity 1 employee was set at a level such that the contribution would qualify towards Alvarez's receipt of public matching funds from the CFB. In 2013, the maximum contribution level that qualified for public matching funds for a city council seat primary election was \$175. If the contributions that purported to be from the individual Entity 1 employees had been truthfully reported as a single contribution from Gonzalez or from Entity 1, the contribution would not have fully qualified for public matching funds.

10. I am informed by a review of CFB records that on or about January 15, 2013, Alvarez (using his CFB registered user ID) filed the following documents with the CFB, located in New York County at 100 Church Street, 12th Floor, New York, NY 10007, reflecting the false contributions described above: (1) a false contribution card from Employee 1; (2) a false contribution card from Employee 2; (3) a false contribution card from Employee 3; (4) a false contribution card from Employee 4; (5) a false contribution card from Employee 5; (6) a false contribution card from Employee 6; and (7) a January 2013 Periodic Report.

11. I am informed by a review of CFB records that on or about January 11, 2013, Alvarez requested public matching funds for the false contributions described above.

12. I am informed by a review of CFB records that on or about September 6, 2013, Alvarez was disbursed public matching funds for the false contributions described above, at the rate of six dollars of public funding for each contributed dollar.

13. The total amount of these matching fund payments is \$4,500.00.

14. I am informed by an official at CFB that had CFB been aware that the purported contributors listed in Alvarez' filings were actually reimbursed for their contributions, CFB would not have disbursed matching funds for those contributions. Alvarez did not have permission or authority to take money from CFB based on the falsely filed contribution cards.

False statements made herein are punishable as a class A Misdemeanor under Penal Law §210.45.


Steven Broomer
Investigator
New York State Office of the Attorney General

Dated: February 22, 2018
New York, New York