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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
BY: _____

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2019 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

MITCHELL ENGLANDER,

Defendant.

CR No. 20CR00035 - JFW

I N D I C T M E N T

[18 U.S.C. § 1001(a)(1):
Falsifying Material Facts; 18
U.S.C. § 1001(a)(2): Making False
Statements; 18 U.S.C.
§ 1512(b)(3): Tampering with a
Witness, Victim, or Informant and
Obstruction of Justice]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

A. THE CORRUPTION INVESTIGATION INTO THE LOS ANGELES CITY COUNCIL

1. The Federal Bureau of Investigation ("FBI") in Los Angeles and the United States Attorney's Office ("USAO") for the Central District of California were conducting a federal criminal investigation into public corruption throughout the City of Los Angeles (the "City") related to multiple suspected "pay-to-play" schemes (the "Federal Investigation"). The Federal Investigation involved multiple City officials, developers, investors, consultants,

1 lobbyists, and other close associates working in furtherance of the
2 potentially illegal schemes.

3 B. RELEVANT PERSONS AND ENTITIES

4 2. All legislative power in the City was vested in the City
5 Council and was exercised by ordinance, subject to a veto by the
6 Mayor. The City was split into fifteen City Council Districts
7 ("CD"s), which covered different geographic areas. The City Council
8 was composed of members who were elected from each district. City
9 Councilmembers and their staff members were agents of the City of Los
10 Angeles, a government that received more than \$10,000 per fiscal year
11 in funds from the United States in the form of grants, contracts,
12 subsidies, loans, guarantees, insurance, and other forms of federal
13 assistance.

14 3. Defendant MITCHELL ENGLANDER was the councilmember for CD
15 12 in the San Fernando Valley from 2011 until he resigned on December
16 31, 2018 with almost two years remaining on his term. Defendant
17 ENGLANDER served as the Council President Pro-Tempore and was on the
18 Planning and Land Use Management ("PLUM") Committee until his
19 resignation from City Council in December 2018. While a
20 councilmember, defendant ENGLANDER also served on other various City
21 committees, including as the Chair of the Public Safety Committee,
22 and member of the Budget and Finance Committee. Defendant ENGLANDER
23 was also a reserve member of the Los Angeles Police Department.

24 4. Under the California Political Reform Act, Cal. Gov. Code
25 Sections 81000, et seq., every elected official and public employee
26 who made or influenced governmental decisions was required to submit
27 a Statement of Economic Interest, also known as the Form 700. The
28 Form 700 was filed annually in April for the previous year. The Form

1 700 was designed to provide transparency and accountability,
2 including by: (1) providing the public with information about an
3 official's personal financial interests to determine whether
4 officials were making decisions free from conflicts of interest; and
5 (2) reminding the public official of potential conflicts of interest
6 so the official could abstain from making or participating in
7 governmental decisions that would raise those conflicts of interest.

8 5. Businessperson A operated businesses in the City relating
9 to major development projects. Defendant ENGLANDER first met
10 Businessperson A in or around 2016. Businessperson A was seeking to
11 increase his business opportunities in the City. Among the ways
12 Businessperson A would accomplish this was to provide certain elected
13 and other public officials with cash payments, gambling chips, hotel
14 rooms, luxury outings, escort services, and expensive meals.

15 6. City Staffer A was City Councilmember A's special assistant
16 from approximately June 2013 until approximately January 2018.

17 7. City Staffer B was a high-ranking staff member for
18 defendant ENGLANDER until approximately June 2017.

19 8. Lobbyist A and Lobbyist B were lobbyists registered with
20 the City. Lobbyist B was also a close associate of defendant
21 ENGLANDER.

22 9. Developer A was a real estate developer and architect in
23 the City who operated his own architectural, planning, and
24 development firm.

25 10. Developer B was the chief executive officer and owner of a
26 construction company in the City.

27 11. Confide was a company that provided an end-to-end encrypted
28 messaging application. On its website, Confide boasted that it "is

1 known for its self-destructing messaging system that deletes messages
2 immediately after reading."

3 C. BACKGROUND ON CITY PROCESSES

4 12. Within the City, large-scale development projects required
5 a series of applications and approvals prior to, during, and after
6 construction. These applications and approvals occurred in various
7 City departments, including the City Council, the PLUM Committee, the
8 Economic Development Committee, the Los Angeles Planning Department,
9 the Los Angeles Department of Building and Safety, the Area Planning
10 Commission, the City Planning Commission, and the Mayor's Office.

11 13. Each part of the City approval process required official
12 actions by public officials. These included entitlements, variances,
13 general plan amendments, subsidies, incentives, public benefits,
14 scheduling agendas for the various committees, and overall approvals.
15 The process allowed for public hearings, feasibility studies,
16 environmental impact reports, and other steps in the life of
17 development projects.

18 14. Even for projects that were not going through the City
19 approval process, City officials could benefit, or take adverse
20 action against, a project by advocating for, pressuring, or seeking
21 to influence other City officials, departments, business owners, and
22 stakeholders.

23 D. FINANCIAL BENEFITS FROM BUSINESSPERSON A TO DEFENDANT ENGLANDER
24 AND OTHERS

25 **June 2017 Las Vegas Trip**

26 15. On or about June 1, 2017, defendant ENGLANDER traveled to
27 Las Vegas with, among others, Businessperson A, City Staffer A, City
28 Staffer B, Lobbyist A, and Developer A (the "June 2017 Las Vegas

1 trip"). Businessperson A provided defendant ENGLANDER, City Staffer
2 A, City Staffer B, and others with hotel rooms at a resort and casino
3 (the "Resort and Casino"). Specifically, Businessperson A provided
4 them use of Businessperson A's "comps," which were hotel-provided
5 amenities ordinarily limited to VIP customers who, like
6 Businessperson A, were typically provided such status because of the
7 amount of money that customer had provided the hotel in the past and
8 in order to incentivize further business. Businessperson A also
9 provided the group transportation from the Las Vegas airport to the
10 Resort and Casino.

11 16. On or about June 1, 2017, defendant ENGLANDER accepted an
12 envelope containing \$10,000 in cash from Businessperson A in the
13 Resort and Casino's bathroom.

14 17. On or about June 1, 2017, Businessperson A, in front of the
15 group, provided defendant ENGLANDER and the rest of the group casino
16 chips with which to gamble. Businessperson A provided defendant
17 ENGLANDER approximately \$1,000 in casino chips. After defendant
18 ENGLANDER finished gambling, he, in front of the group and in view of
19 the casino surveillance cameras, returned the casino chips to
20 Businessperson A.

21 18. On or about June 1, 2017, Businessperson A provided dinner
22 and drinks for defendant ENGLANDER, City Staffer A, City Staffer B,
23 Lobbyist A, Developer A, and others at a restaurant inside the Resort
24 and Casino. Businessperson A was charged approximately \$2,481 for
25 the dinner and drinks for the group.

26 19. On or about the evening of June 1, 2017 and into the early
27 morning of June 2, 2017, defendant ENGLANDER, Businessperson A, City
28 Staffer A, City Staffer B, Lobbyist A, and Developer A took a

1 limousine provided by the Resort and Casino to a nightclub at another
2 hotel (the "nightclub"). At the nightclub, Businessperson A paid
3 approximately \$24,000 for bottle service and alcohol for defendant
4 ENGLANDER, Businessperson A, City Staffer A, City Staffer B, Lobbyist
5 A, Developer A, and others. Developer A paid another approximately
6 \$10,000 for bottle service and alcohol for the group and others at
7 the nightclub.

8 20. After the group returned to the Resort and Casino in the
9 early morning of June 2, 2017, Businessperson A told defendant
10 ENGLANDER that Businessperson A was going to order female escorts for
11 the group to come to their hotel. When two escorts arrived to the
12 Resort and Casino, Businessperson A paid approximately \$300-400 in
13 cash for their services and instructed one of the escorts to go to
14 defendant ENGLANDER's hotel room to provide him with services.

15 21. On or about June 3, 2017, the day after the Las Vegas trip,
16 City Staffer B sent Businessperson A a text message thanking
17 Businessperson A for the enjoyable Las Vegas trip. The text message
18 stated nothing about City Staffer B or defendant ENGLANDER
19 reimbursing Businessperson A for any portion of the Las Vegas trip.

20 **Palm Springs Event and Lunch**

21 22. From on or about June 10 through June 12, 2017, defendant
22 ENGLANDER attended a golf tournament at the Morongo Casino Resort and
23 Spa in Palm Springs, California (the "Palm Springs event"). On or
24 about June 12, 2017, at the Palm Springs event, defendant ENGLANDER
25 accepted an envelope containing \$5,000 in cash from Businessperson A
26 in a bathroom.

27 23. On June 19, 2017, approximately one week after the Palm
28 Springs event, defendant ENGLANDER, Businessperson A, and Developer B

1 had lunch so that defendant ENGLANDER would introduce Businessperson
2 A and his company and product to Developer B.

3 24. After the lunch on June 19, 2017, Developer B sent
4 defendant ENGLANDER and Businessperson A an email thanking
5 Businessperson A for lunch and seeking to set up a further meeting
6 and "presentation" from Businessperson A.

7 E. THE INVESTIGATION OF BENEFITS RECEIVED BY DEFENDANT ENGLANDER
8 FROM BUSINESSPERSON A

9 25. Beginning on or about June 5, 2017, based on information
10 obtained in a judicially authorized intercepted phone call
11 referencing benefits received by public officials from Businessperson
12 A, the FBI and USAO began specifically investigating whether
13 Businessperson A had provided personal benefits to defendant
14 ENGLANDER, City Staffer A, Councilmember A, or City Staffer B, and
15 whether those public officials, including defendant ENGLANDER, had
16 accepted such personal benefits.

17 26. On July 11, 2017, the FBI contacted City Staffer B and
18 informed him that it sought a voluntary interview with him regarding
19 an ongoing investigation. On July 13, 2017, the FBI contacted City
20 Staffer B again and informed him that it sought a voluntary interview
21 with him regarding an ongoing investigation.

22 27. On July 19, 2017, the FBI and USAO interviewed
23 Businessperson A, with Businessperson A's counsel present, regarding
24 the Federal Investigation, including the 2017 Las Vegas trip. On or
25 about August 10, 2017, Businessperson A began cooperating with the
26 FBI and USAO in the Federal Investigation.

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1 28. On August 16, 2017, the FBI and USAO interviewed City
2 Staffer B, with City Staffer B's counsel present, regarding the
3 Federal Investigation, including the 2017 Las Vegas trip.

4 29. The Introductory Allegations are incorporated into each
5 count of this Indictment.

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1 COUNT ONE

2 [18 U.S.C. § 1001(a)(1)]

3 A. SCHEME TO FALSIFY AND CONCEAL MATERIAL FACTS

4 30. From in or about August 2017, to on or about December 31,
5 2018, in Los Angeles County, within the Central District of
6 California, and elsewhere, in a matter within the jurisdiction of the
7 executive branch of the government of the United States, namely, the
8 USAO and FBI, defendant ENGLANDER knowingly and willfully falsified,
9 concealed, and covered up by trick, scheme, and device material
10 facts, namely that:

11 a. Defendant ENGLANDER had accepted from Businessperson A
12 items of value, such as cash payments, escort services, hotel rooms,
13 luxury outings, and expensive meals;

14 b. Defendant ENGLANDER had attempted to coordinate
15 statements he made to the FBI and USAO with Businessperson A; and

16 c. Defendant ENGLANDER had counseled Businessperson A to
17 lie to and mislead the FBI and USAO.

18 B. OPERATION OF THE SCHEME

19 31. Defendant ENGLANDER carried out the trick, scheme, and
20 device, in substance, by conducting an obstruction and witness
21 tampering campaign in the following manner:

22 a. After learning about the Federal Investigation, in or
23 around August 2017, defendant ENGLANDER privately sent an encrypted
24 message to Businessperson A via Confide. Defendant ENGLANDER stated
25 in his message that he wanted to reimburse Businessperson A for
26 portions of the June 2017 Las Vegas trip.

27 b. After the FBI contacted defendant ENGLANDER on or
28 about September 1, 2017, to seek a voluntary interview with him

1 regarding an ongoing investigation, defendant ENGLANDER sent a check
2 payable to Businessperson A that made it appear as if defendant
3 ENGLANDER had written the check to Businessperson A to reimburse him
4 for certain expenses related to their Las Vegas trip prior to the FBI
5 asking to interview defendant ENGLANDER and prior to the FBI
6 interviewing City Staffer B. On September 14, 2017, Businessperson A
7 received a FedEx package containing a \$442 check (check number 4387)
8 from defendant ENGLANDER payable to Businessperson A that bore a date
9 of August 4, 2017. The package also contained a second \$442 check
10 (check number 1095) from City Staffer B payable to Businessperson A,
11 which also bore a date of August 4, 2017. A note included in the
12 package from defendant ENGLANDER indicated the checks were for "Vegas
13 expenses."

14 c. On October 4, 2017, defendant ENGLANDER met
15 Businessperson A, who was acting at the direction of law enforcement,
16 for lunch in Downtown Los Angeles. During the lunch, defendant
17 ENGLANDER and Businessperson A discussed the June 2017 Las Vegas trip
18 and the Federal Investigation, including that Businessperson A had
19 been interviewed and their understanding that City Staffer A and City
20 Staffer B also had been interviewed by the FBI. Defendant ENGLANDER
21 told Businessperson A that he had an upcoming interview with the FBI;
22 he further stated that City Staffer B told defendant ENGLANDER to
23 tell the FBI that defendant ENGLANDER had received casino chips from
24 Businessperson A, but that defendant ENGLANDER had returned those
25 chips after gambling. Defendant ENGLANDER agreed to call
26 Businessperson A after defendant ENGLANDER's interview with the FBI.

27 d. On October 19, 2017, defendant ENGLANDER, with defense
28 counsel present, was interviewed by the FBI and USAO regarding the

1 Federal Investigation, including the 2017 Las Vegas trip and his
2 interactions with Businessperson A (the "first interview").
3 Defendant ENGLANDER declined to have the FBI record the interview.
4 During this interview, after being advised it was a crime to lie to
5 the federal government, defendant ENGLANDER falsely stated on
6 multiple occasions that, other than his lawyers and his wife,
7 defendant ENGLANDER had not informed anyone, including Businessperson
8 A, about his upcoming interview with the FBI.

9 e. On January 31, 2018, Businessperson A, acting at the
10 direction of law enforcement, contacted defendant ENGLANDER via
11 Confide. Specifically, Businessperson A wrote: "Hi Councilman, I got
12 invite for your Feb/06th event, looking forward to seeing you, btw,
13 my attorney got call from FBI asking to follow up about the check."
14 Defendant ENGLANDER responded: "Fantastic. See you then. I got a
15 call too. Very stupid. They are waiting [sic] their time with this."

16 f. On January 31, 2018 and February 1, 2018, defendant
17 ENGLANDER and Businessperson A, who was acting at the direction of
18 law enforcement, discussed the Federal Investigation via Confide.
19 During this exchange, defendant ENGLANDER asked: "What exactly are
20 they asking?" After Businessperson A stated that the FBI was
21 interested in the Las Vegas reimbursement checks, Businessperson A
22 wrote: "If we talk about FBI stuff should [be] in person." Defendant
23 ENGLANDER responded: "That's why I suggested a different phone
24 number." Defendant ENGLANDER then provided a different phone number,
25 and Businessperson A agreed to call that new phone number later that
26 evening.

27 g. On February 1, 2018, Businessperson A, acting at the
28 direction of law enforcement, left a voicemail message for defendant

1 ENGLANDER on the new phone number defendant ENGLANDER had provided to
2 Businessperson A.

3 h. Between February 2 and February 5, 2018, defendant
4 ENGLANDER and Businessperson A, who was acting at the direction of
5 law enforcement, exchanged messages via Confide. During this
6 exchange, they agreed to discuss the Federal Investigation at
7 defendant ENGLANDER's fundraiser on February 6, 2018.

8 i. During the fundraiser on February 6, 2018, defendant
9 ENGLANDER and Businessperson A, who was acting at the direction of
10 law enforcement, had a private conversation during which they
11 discussed the Federal Investigation. During this conversation:

12 i. Defendant ENGLANDER instructed Businessperson A
13 to falsely inform the FBI that defendant ENGLANDER and Businessperson
14 A did not talk about their respective FBI interviews. Specifically,
15 defendant ENGLANDER told Businessperson A: "you and I have never had
16 a conversation. . . . They are going to ask."

17 ii. Defendant ENGLANDER instructed Businessperson A
18 how to answer certain questions from the FBI, including: "you should
19 just say 'I don't know.'"

20 iii. Defendant ENGLANDER instructed Businessperson A
21 to falsely state that defendant ENGLANDER had repeatedly attempted to
22 reimburse Businessperson A for defendant ENGLANDER's hotel room and
23 dinner in Las Vegas.

24 iv. Defendant ENGLANDER told Businessperson A not to
25 tell the FBI anything about Businessperson A providing escort
26 services to defendant ENGLANDER. Specifically, regarding the
27 "massage lady," defendant ENGLANDER instructed Businessperson A:
28 "Don't say it. . . . Don't mention. . . . No, no, don't mention it."

1 v. Defendant ENGLANDER agreed to meet Businessperson
2 A after defendant ENGLANDER's FBI interview to discuss the interview.

3 j. On February 7, 2018, at approximately 8:24 a.m. and
4 10:10 a.m., prior to defendant ENGLANDER's interview with the FBI
5 that day, defendant ENGLANDER attempted to call Businessperson A via
6 WhatsApp, an encrypted end-to-end messaging service that can also be
7 used for phone calls. In response, Businessperson A, at the
8 direction of law enforcement, sent a message via WhatsApp to
9 defendant ENGLANDER, writing: "sorry miss your call, but may not good
10 ideal [sic] talk on the phone." Defendant ENGLANDER responded: "Just
11 a quick question." Businessperson A then called defendant ENGLANDER
12 via WhatsApp. During the conversation, defendant ENGLANDER asked
13 Businessperson A whether Businessperson A had told the FBI about the
14 use of escorts during the June 2017 Las Vegas trip. Businessperson A
15 stated that he had not, to which defendant ENGLANDER responded:
16 "[T]hat's what I wanted to confirm. . . . I appreciate it."

17 k. On February 7, 2018, defendant ENGLANDER, with counsel
18 present, was interviewed by the FBI and the USAO regarding the
19 Federal Investigation, including the June 2017 Las Vegas trip and
20 interactions with Businessperson A (the "second interview").
21 Defendant ENGLANDER declined to have the FBI record the interview.
22 During the interview, after being advised it was a crime to lie to
23 the federal government, defendant ENGLANDER made the following false
24 statements:

25 i. Defendant ENGLANDER falsely stated on multiple
26 occasions that he was unaware that Businessperson A intended to
27 attend defendant ENGLANDER's fundraiser the prior night.

28

1 ii. Defendant ENGLANDER falsely stated that he and
2 Businessperson A did not discuss the FBI, the Federal Investigation,
3 or defendant ENGLANDER's upcoming FBI interview during the
4 fundraiser.

5 iii. Defendant ENGLANDER falsely stated that he had
6 never been told the amount of money Businessperson A paid at the
7 nightclub for the bottle service and alcohol for the group during
8 their June 2017 Las Vegas trip.

9 iv. Defendant ENGLANDER falsely stated that
10 Businessperson A did not provide defendant ENGLANDER benefits other
11 than a hotel room, dinner, and beverage service during their June
12 2017 Las Vegas trip.

13 v. Defendant ENGLANDER falsely stated he had no
14 plans to discuss his FBI interview with anyone after it occurred.

15 1. From February 8 to February 12, 2018, defendant
16 ENGLANDER and Businessperson A, who was acting at the direction of
17 law enforcement, exchanged messages via Confide. Defendant
18 ENGLANDER, under the pretense of helping Businessperson A obtain
19 business, arranged for the two to meet on February 12, 2018. On
20 February 12, 2018, defendant ENGLANDER called Businessperson A to
21 change the time and location of their meeting set for that day.

22 m. On February 12, 2018, defendant ENGLANDER met with
23 Businessperson A in defendant ENGLANDER's car in Downtown Los
24 Angeles. Once Businessperson A entered defendant ENGLANDER's car,
25 defendant ENGLANDER told Businessperson A to "hold on," and turned on
26 the stereo to play music at a very loud volume in an effort to
27 obstruct possible listening devices. Defendant ENGLANDER drove in
28 circles and did not go to any specific location. During this time,

1 defendant ENGLANDER and Businessperson A discussed the Federal
2 Investigation and their FBI interviews. Among other things:

3 i. Defendant ENGLANDER stated he did not "want to be
4 out there in public" for their discussion.

5 ii. Defendant ENGLANDER repeatedly instructed
6 Businessperson A to lie to the FBI and tell the FBI that he and
7 Businessperson A did not have a conversation about their FBI
8 interviews. Specifically, defendant ENGLANDER told Businessperson A
9 that the FBI "asked if you and I ever talked at all about the meeting
10 with them. We never had a conversation." Defendant ENGLANDER
11 further instructed Businessperson A regarding how to answer this
12 topic of the two meeting to discuss the FBI interviews: "We never
13 did, never did. . . . You don't mention it at all."

14 iii. Defendant ENGLANDER told Businessperson A what
15 questions the FBI would ask Businessperson A and how to answer them.
16 Specifically, defendant ENGLANDER stated, the FBI was going to "ask
17 'Did I ever contact you about how much we needed to reimbursement
18 [sic].' Just say, say, 'I don't remember. We were trying to get
19 together for a long time and he's busy and I'm busy, blah, blah.'"

20 iv. Defendant ENGLANDER repeatedly instructed
21 Businessperson A how to respond to FBI questions about the use of
22 escorts during the June 2017 Las Vegas trip. Specifically, defendant
23 ENGLANDER instructed Businessperson A to falsely tell the FBI: "if
24 they check your phone records and called, just go, 'I called just to
25 see how much money.' Say, 'I was so drunk I don't remember
26 calling.' Or, 'I don't remember, maybe I dialed the wrong
27 number, I don't know, I don't remember.' No, just say, 'I
28 don't remember.'"

1 v. Defendant ENGLANDER instructed Businessperson A
2 to lie about their use of Confide. Specifically, defendant ENGLANDER
3 instructed Businessperson A: "No, no, we never had discussions.
4 Nothing ever about Confide."

5 vi. Defendant ENGLANDER instructed Businessperson A
6 to lie to the FBI about their conversation at the fundraiser.
7 Specifically, defendant ENGLANDER instructed Businessperson A to say
8 Businessperson A "shook my hand and said hello. That was it."

9 vii. Defendant ENGLANDER instructed Businessperson A
10 that, if the FBI had checked their phone records regarding escort
11 services during the June 2017 Las Vegas trip, to falsely tell the
12 FBI: "'No, I didn't hire anybody.'"

13 viii. At the conclusion of the conversation,
14 defendant ENGLANDER agreed to introduce Businessperson A to defendant
15 ENGLANDER's builder "friend," and defendant ENGLANDER agreed to tour
16 Businessperson A's showroom.

17 n. On or about April 2, 2018, defendant ENGLANDER
18 reported \$1,202 worth of gifts/benefits on his Form 700 for the year
19 2017, but did not report, among other things, the \$15,000 cash he
20 received from Businessperson A as a gift or benefit.

21 o. On November 20, 2018, defendant ENGLANDER met with
22 Businessperson A, who was acting at the direction of law enforcement.
23 During this meeting, they discussed recent FBI actions regarding the
24 Federal Investigation. This discussion included:

25 i. When Businessperson A referred to "the cash" that
26 Businessperson A had provided to defendant ENGLANDER in the restroom
27 in Las Vegas on or about June 1, 2017, defendant ENGLANDER stated,
28 "I'm not going to say anything" to the FBI about it.

1 ii. Defendant ENGLANDER agreed that Businessperson A
2 should omit that they talked about the content of their FBI
3 interviews during their meeting that day and instead falsely state
4 the discussion was about defendant ENGLANDER's new job.
5 Specifically, defendant ENGLANDER told Businessperson A: "They're
6 gonna say, 'When was the last time you talked [with defendant
7 ENGLANDER]?' " Businessperson A responded: "I tell them the truth, we
8 were eating lunch." Defendant ENGLANDER then stated: "I get it, I
9 get it. Just catch up. . . . [A]bout the new job."

10 p. On December 31, 2018, defendant ENGLANDER, with
11 defense counsel present, was interviewed by the FBI and USAO
12 regarding the Federal Investigation, including the June 2017 Las
13 Vegas trip and interactions with Businessperson A (the "third
14 interview"). Defendant ENGLANDER declined to have the FBI record the
15 interview. During the third interview, after being advised that
16 lying to the federal government was a crime, defendant ENGLANDER made
17 the following false statements:

18 i. When asked whether he received any benefits other
19 than casino chips (which he paid back), dinners, and a hotel room,
20 defendant ENGLANDER falsely responded, "Not that I recall."

21 ii. Defendant ENGLANDER falsely stated that
22 Businessperson A never provided cash payments to defendant ENGLANDER.

23 iii. Defendant ENGLANDER falsely stated that he told
24 Businessperson A to "share everything, be transparent, and share
25 everything" with the FBI.

26 iv. Defendant ENGLANDER falsely stated that he could
27 not recall if he had ever used Confide at all or, if he had, with
28 whom he had used it.

COUNT TWO

[18 U.S.C. § 1001(a)(2)]

32. On or about October 19, 2017, in Los Angeles County, within the Central District of California, in a matter within the jurisdiction of the executive branch of the government of the United States, namely, the FBI and USAO, defendant MITCHELL ENGLANDER knowingly and willfully made materially false statements and representations to the FBI and USAO knowing that these statements and representations were untrue. Specifically, on multiple occasions, defendant ENGLANDER stated that, other than his lawyers and his wife, defendant ENGLANDER had not informed anyone, including Businessperson A, about his upcoming interview with the FBI. In fact, as defendant ENGLANDER knew, on October 4, 2017, defendant ENGLANDER had repeatedly informed Businessperson A about his upcoming interview with the FBI.

COUNT THREE

[18 U.S.C. § 1512(b)(3)]

33. On or about February 6, 2018, in Los Angeles County, within the Central District of California, defendant MITCHELL ENGLANDER, knowingly and with the intent to hinder, delay, and prevent the communication to law enforcement officers of information relating to the commission and possible commission of Federal offenses, namely: federal program bribery, in violation of Title 18, United States Code, Section 666; mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343; and making false statements, in violation of Title 18, United States Code, Section 1001, attempted to corruptly persuade Businessperson A by instructing Businessperson A to provide false and misleading information and omit relevant information during Businessperson A's interview with the FBI and USAO, including, but not limited to, instructing Businessperson A to:

a. falsely state that defendant ENGLANDER and Businessperson A did not discuss the content of their FBI interviews with each other;

b. falsely state that Businessperson A did not know facts relevant to the Federal Investigation that Businessperson A in fact knew;

c. falsely state that defendant ENGLANDER had repeatedly attempted to reimburse Businessperson A for defendant ENGLANDER's hotel room and dinner in Las Vegas; and

d. omit that defendant ENGLANDER and others had sought to utilize and had utilized a female escort or "massage lady" during the June 2017 Las Vegas trip.

COUNT FOUR

[18 U.S.C. § 1001(a)(2)]

34. On or about February 7, 2018, in Los Angeles County, within the Central District of California, in a matter within the jurisdiction of the executive branch of the government of the United States, namely, the USAO and FBI, defendant MITCHELL ENGLANDER knowingly and willfully made the following materially false statements and representations to the FBI and USAO knowing that these statements and representations were untrue:

a. Defendant ENGLANDER falsely stated that he was unaware that Businessperson A intended to attend defendant ENGLANDER's fundraiser the prior night. In fact, as defendant ENGLANDER knew, on January 31, 2018 and February 5, 2018, via Confide conversations, defendant ENGLANDER and Businessperson A had confirmed that Businessperson A would attend the fundraiser.

b. Defendant ENGLANDER falsely stated that he and Businessperson A did not discuss, at the fundraiser or any other time, the FBI, the Federal Investigation, or defendant ENGLANDER's second interview. In fact, as defendant ENGLANDER knew, the day prior to defendant ENGLANDER's second interview, he and Businessperson A had discussed the FBI, the Federal Investigation, and defendant ENGLANDER's second interview, including what questions to expect, what to say, and what not to say during upcoming FBI interviews. Moreover, immediately prior to defendant ENGLANDER's interview that day, defendant ENGLANDER reached out to Businessperson A and spoke about the FBI and USAO interviews.

c. Defendant ENGLANDER falsely stated that he had never been told by Businessperson A the amount of money Businessperson A

1 paid at the nightclub for the bottle service and alcohol for the
2 group during their June 2017 Las Vegas trip. In fact, as defendant
3 ENGLANDER knew, the day prior to defendant ENGLANDER's second
4 interview, Businessperson A told defendant ENGLANDER that he had
5 spent between approximately \$20,000 and \$25,000 at the nightclub for
6 the group.

7 d. Defendant ENGLANDER falsely stated that Businessperson
8 A did not provide defendant ENGLANDER benefits other than a hotel
9 room, dinner, and beverage service during their Las Vegas trip. In
10 fact, as defendant ENGLANDER knew, Businessperson A did provide
11 defendant ENGLANDER with the services of a female escort or "massage
12 lady" during their Las Vegas trip and, the day prior to defendant
13 ENGLANDER's second interview, the two had repeatedly discussed that
14 topic. Moreover, immediately prior to defendant ENGLANDER's
15 interview that day, defendant ENGLANDER reached out to Businessperson
16 A and spoke about escorts.

17 e. Defendant ENGLANDER falsely stated that he
18 did not instruct anyone, including Businessperson A, what to say to
19 the FBI. In fact, as defendant ENGLANDER knew, the day prior to
20 defendant ENGLANDER's second interview, he told Businessperson A,
21 what questions to expect, what to say, and what not to say during
22 upcoming FBI interviews.

23 f. Defendant ENGLANDER falsely stated that, other than
24 his lawyers and his wife, he had not informed anyone about his second
25 interview. In fact, as defendant ENGLANDER knew, on February 6,
26 2018, defendant ENGLANDER had repeatedly informed Businessperson A
27 about defendant ENGLANDER's second interview.

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1 g. Defendant ENGLANDER falsely stated that had no plans
2 to discuss his second interview with anyone after it occurred. In
3 fact, as defendant ENGLANDER knew, the day prior to defendant
4 ENGLANDER's second interview, he planned to meet with Businessperson
5 A to discuss defendant ENGLANDER's second interview after it
6 occurred.

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COUNT FIVE

[18 U.S.C. § 1512(b)(3)]

35. On or about February 12, 2018, in Los Angeles County, within the Central District of California, defendant MITCHELL ENGLANDER, knowingly and with the intent to hinder, delay, and prevent the communication to law enforcement officers of information relating to the commission and possible commission of Federal offenses, namely: federal program bribery, in violation of Title 18, United States Code, Section 666; mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343; and making false statements, in violation of Title 18, United States Code, Section 1001, attempted to corruptly persuade Businessperson A to provide false and misleading information and omit relevant information during Businessperson A's interview with the FBI and USAO, including, but not limited to, instructing Businessperson A to:

a. falsely state that defendant ENGLANDER and Businessperson A did not discuss the content of their FBI interviews with each other;

b. falsely state that defendant ENGLANDER had repeatedly attempted to reimburse Businessperson A for defendant ENGLANDER's hotel room and dinner in Las Vegas;

c. falsely state that Businessperson A did "not remember" relevant facts that Businessperson A in fact remembered;

d. falsely state the circumstances around Businessperson A providing the services of a female escort or "massage lady" to defendant ENGLANDER and others during the June 2017 Las Vegas trip; and

e. omit any information about their use of Confide.

COUNT SIX

[18 U.S.C. § 1512(b)(3)]

36. On or about November 20, 2018, in Los Angeles County, within the Central District of California, defendant MITCHELL ENGLANDER, knowingly and with the intent to hinder, delay, and prevent the communication to law enforcement officers of information relating to the commission and possible commission of Federal offenses, namely, federal program bribery, in violation of Title 18, United States Code, Section 666; mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343; and making false statements, in violation of Title 18, United States Code, Section 1001, attempted to corruptly persuade Businessperson A by encouraging Businessperson A to provide false and misleading information and omit relevant information during Businessperson A's interview with the USAO and FBI, including, but not limited to, by agreeing that Businessperson A should:

a. omit that defendant ENGLANDER had ever received cash from Businessperson A; and

b. falsely state that defendant ENGLANDER and Businessperson A had not discussed the FBI during their meeting that day.

COUNT SEVEN

[18 U.S.C. § 1001(a)(2)]

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3 37. On or about December 31, 2018, in Los Angeles County,
4 within the Central District of California, in a matter within the
5 jurisdiction of the executive branch of the government of the United
6 States, namely, the USAO and FBI, defendant ENGLANDER knowingly and
7 willfully made the following materially false statements and
8 representations to the FBI and USAO knowing that these statements and
9 representations were untrue:

10 a. When asked whether he received any benefits other than
11 casino chips (which he paid back), dinners, and a hotel room,
12 defendant ENGLANDER falsely responded, "Not that I recall." In fact,
13 as defendant ENGLANDER knew, Businessperson A did provide defendant
14 ENGLANDER with the services of a female escort or "massage lady" and
15 \$10,000 in cash during the 2017 Las Vegas trip. Moreover, the two
16 had several conversations about the "massage lady" Businessperson A
17 provided during the 2017 Las Vegas trip.

18 b. When asked whether Businessperson A ever provided cash
19 or payments to him, defendant ENGLANDER falsely stated, "Not that I
20 recall" and that "it would be something I would reject." In fact, as
21 defendant ENGLANDER knew, Businessperson A provided defendant
22 ENGLANDER \$10,000 cash in a bathroom during the June 2017 Las Vegas
23 trip and \$5,000 cash in a bathroom at the Palm Springs event for a
24 total of \$15,000 in 2017.

25 c. Defendant ENGLANDER falsely stated that, during his
26 November 20, 2018 meeting with Businessperson A, he told
27 Businessperson A to "share everything, be transparent, and share
28 everything" with the FBI. In fact, as defendant ENGLANDER knew, he

1 did not provide such instructions and, instead, repeatedly agreed
2 that Businessperson A should omit certain information.

3 d. When asked with whom he communicated using Confide,
4 defendant ENGLANDER falsely stated "I do not remember" and he was
5 "not sure if I ever used Confide." In fact, as defendant ENGLANDER
6 knew, he had Confide registered to him on his phone at the time of
7 the third interview and had recently used Confide to discuss relevant

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1 matters with Businessperson A and Lobbyist B. Moreover, on February
2 12, 2018, defendant ENGLANDER had instructed Businessperson A to lie
3 to the FBI about their use of Confide.

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6 A TRUE BILL

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8 151
9 Foreperson

10 NICOLA T. HANNA
11 United States Attorney

12 *Brandon Fox*

13 BRANDON D. FOX
14 Assistant United States Attorney
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