

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - : INDICTMENT

EFRAIN GONZALEZ, JR., :

Defendant. :

- - - - - x

COUNT ONE

(Mail Fraud)

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, EFRAIN GONZALEZ, JR. the defendant, was a New York State Senator representing a district in the Bronx, New York.

2. At all times relevant to this Indictment, West Bronx Neighborhood Association, Inc. ("West Bronx") was organized as a not-for-profit corporation under the laws of the State of New York. According to its by-laws, West Bronx was organized, among other things, to maintain and foster an interest in civic and community affairs; to secure greater economy and efficiency in local, state and national government; and to encourage, promote and foster interest and concern in all projects of community welfare, which have as their aim the advancement of community standards and which tend to promote

social and civic relations among community members by means of meetings, forums, programs and other endeavors.

3. At various times relevant to this Indictment, EFRAIN GONZALEZ, JR., the defendant, was an honorary advisory board member of West Bronx.

#### Statutory Charge

4. From in or about November 2000 through in or about May 2006, in the Southern District of New York and elsewhere, EFRAIN GONZALEZ, JR., the defendant, unlawfully, wilfully and knowingly, having devised and intending to devise a scheme and artifice to defraud West Bronx, and to obtain money and property by means of false and fraudulent pretenses, representations and promises, caused mail matter to be delivered by the United States Postal Service, and deposited and caused to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and took and received therefrom, matters and things, and knowingly caused to be delivered by mail and such carrier, according to the direction thereon, for the purpose of executing such scheme and artifice, to wit, the mailing of West Bronx bank account checks made payable to credit card companies and private vendors to pay for approximately \$37,412 in GONZALEZ's personal expenses, including items such as rent for residences in Monroe, New York, and in the Dominican Republic;

New York Yankees tickets; membership fees at a Dominican vacation club; apparel and college tuition.

(Title 18, United States Code, Sections 1341 and 2.)

#### Forfeiture Allegation

5. As a result of committing the foregoing offense in violation of Title 18, United States Code, Section 1341, alleged in Count One of this Indictment, EFRAIN GONZALEZ, JR., 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, any property constituting, or derived from, proceeds that GONZALEZ obtained directly or indirectly as a result of such offense.

(Title 18, United States Code, Section 981(a)(1)(C);  
Title 28, United States Code, Section 2461.)

#### Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of EFRAIN GONZALEZ, JR., 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 subdivided without difficulty, it is the intent of the United

States, pursuant to Title 21, United States Code, Section 853(p),  
to seek forfeiture of any other property of said defendant up to  
the value of the above forfeitable property.

(Title 21, United States Code, Section 853(p);  
Title 28, United States Code, Section 2461.)

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FOREPERSON

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MICHAEL J. GARCIA  
United States Attorney