

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**09-60257**

CASE NO. **CR-ZLOCH** **ROSENBAUM**

18 U.S.C. § 1341  
18 U.S.C. § 1343  
18 U.S.C. § 2  
18 U.S.C. § 1001(a)(2)

UNITED STATES OF AMERICA

V.

ALAN D. MENDELSON,

DEFENDANT.

FILED by \_\_\_\_\_ D.C.  
**SEP 29 2009**  
STEVEN M. LARIMORE  
CLERK U. S. DIST. CT.  
S. D. of FLA. - FT. LAUD.

INDICTMENT

The Grand Jury charges:

GENERAL ALLEGATIONS

At all times material to this indictment:

Relevant Persons Involved

1. Defendant ALAN D. MENDELSON was a physician living and practicing medicine in Broward County, Florida.
2. Beginning in approximately 1999, MENDELSON was involved in lobbying members of the Florida legislature and other state officials for legislation and budget expenditures of importance mainly to ophthalmologists. Beginning in or about late 2002, MENDELSON was asked by various lobbyists and business persons if he would use his political connections to

assist their clients in obtaining and defeating legislation and in obtaining other favorable government action.

3. During at least the period beginning in 2002 and continuing through March 2009, MENDELSON also hosted fund-raising events, which he usually held at his home or office. Most of the events were in support of candidates for the Florida legislature. The event expenses were deliberately minimized to maximize the amount of money available for other campaign expenses.

4. Accomplice #1 was a lobbyist and businessman working in Florida and other places.

5. Beginning in at least 2002, Contributor #1 was an owner and operator of medical laboratories and other businesses. Contributor #1 hired a lobbyist to try to obtain legislation in the State of Florida that would enhance the profitability of his business, among other things. The lobbyist recommended that Contributor #1 and the lobbyist hire MENDELSON to use his political contacts and influence to accomplish their goals.

6 Contributor #2 and others were involved in the sale of viaticals, which are investments in life insurance policies. Beginning in approximately 1999 and continuing until in or about May 2004, Contributor #2, other individuals, and their companies were under investigation by the Florida Statewide Prosecutor's Office in connection with their sale of viaticals ("the state investigation"). Under Florida law, the Statewide Prosecutor was appointed by the Attorney General of the State of Florida and had certain reporting responsibilities to the Attorney General.

On or about May 4, 2004, the federal district court in Miami appointed a Receiver to take control of Contributor #2's companies, and the companies were closed.

7. Beginning in or about October 2006, the United States Attorney's Office in the Southern District of Florida charged several former officers and employees of Contributor #2's companies in publicly filed documents with committing certain federal offenses relating to the sale of viaticals ("the federal investigation"). The federal investigation remained active in May and June 2007.

8. Contributor #3 was affiliated with a group of companies and hired lobbyists to assist that group of companies in or about 2004. These companies were interested in obtaining legislation that would authorize a referendum on the expansion of gaming activities that would increase profits to race track operators and generate state revenues. At least one of the lobbyists recommended that Contributor #3 and the lobbyists hire MENDELSON to use MENDELSON's political contacts and influence to help accomplish their goals.

9. Contributor #4 operated a credit counseling firm and hired a lobbyist to try to obtain legislation that would affect the operation of credit counseling companies in Florida in or about 2004. The lobbyist asked MENDELSON to use his political contacts and influence with politicians to help Contributor #4.

#### **Relevant Entities Involved**

10. PAC #1 was a political organization affiliated with a medical association and funded largely by dues from members of the association. Beginning in at least 2003, MENDELSON was an officer of, and had authority to sign checks on the bank account of,

PAC #1. Under Florida law, PAC #1 had to prepare and file publicly available reports at various times with the State of Florida that detailed contributions received and expenditures made.

11. Beginning in or about October 2002, MENDELSON and Accomplice #1 caused the creation of a series of political organizations, which MENDELSON sometimes called political actions committees or PACs, under Florida and federal laws. These political organizations included PAC #2 and PAC #3.

12. PAC #2 was a political organization over which MENDELSON exercised significant control; however, the public records documenting the formation and operation of PAC #2 did not disclose any connection between MENDELSON and PAC #2. MENDELSON also directed the distribution of PAC #2's funds, but MENDELSON had no authority to sign checks for PAC #2. Under Florida and federal law, PAC #2 had to prepare and file publicly available reports at various times with the State of Florida and the Internal Revenue Service ("IRS") that detailed contributions received and expenditures made.

13. PAC #3 was a nonprofit corporation whose stated purpose was to "promote responsible and efficient government through public policies that promote economic growth and prosperity, strengthen families, reform and improve education, and reform and improve healthcare," and to "encourage citizen participation in the shaping of laws and regulations relating to the foregoing," among others. MENDELSON exercised significant control over PAC #3; however, the public records documenting the formation and operation of PAC #3 did not disclose any connection between MENDELSON and PAC #3. MENDELSON also

directed the distribution of PAC #3's funds, but MENDELSON had no authority to sign checks for PAC #3.

14. PAC #3 received an exemption from federal income taxes under section 501(c)(4) of the federal tax code, so long as it was operated in accordance with IRS and Florida laws and regulations. Federal law required that PAC #3 file with the IRS reports disclosing its receipts and disbursements when they exceeded certain amounts. These reports filed with the IRS were available to the public.

15. Beginning in or about 2003, MENDELSON and Accomplice #1 caused the creation of several corporations, including Corporation #1 and Corporation #2, organized to conduct business under Florida law and elsewhere. The public records documenting the formation and operation of Corporation #1 and Corporation #2 did not disclose any connection between MENDELSON and Corporation #1 and Corporation #2.

16. MENDELSON and Accomplice #1 created and operated Corporation #1 and Corporation #2, and PAC #1, PAC #2, and PAC #3, so that MENDELSON could receive, transfer and distribute the funds solicited by MENDELSON for the various PACs among these entities in ways that would be difficult to trace through public records. From time to time, MENDELSON and Accomplice #1 also used some pre-existing corporations owned by Accomplice #1, including Corporation #3, to facilitate the movement of funds. Corporation #1, Corporation #2, and Corporation #3 also had to file with the IRS reports concerning receipts and expenditures, among other information.

17. At all relevant times, MENDELSON solicited various people and companies for contributions to PAC #1, PAC #2, and PAC #3. From time to time, MENDELSON also solicited various people to make donations to a private school attended by his children in exchange for lobbying services. At other times, MENDELSON solicited people to pay his children's tuition bills at various schools in exchange for his lobbying services.

**COUNTS 1- 27**

**(Mail and wire fraud in violation of 18 U.S.C. §§ 1341, 1343, and 2)**

18. Paragraphs 1 through 17 are re-alleged and incorporated herein.

19. From in or about 2002 through in or about 2009, in Broward County, in the Southern District of Florida, and elsewhere, the defendant

**ALAN D. MENDELSON,**

knowingly and with the intent to defraud did devise and intend to devise a scheme and artifice to defraud and to obtain money and property, by means of false and fraudulent pretenses, representations and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, and attempting to do so, did knowingly cause mail matter to be delivered by commercial interstate carriers and by the United States Postal Service, according to the directions thereon, and did knowingly transmit and cause to be transmitted wires in interstate commerce.

**THE PURPOSE OF THE SCHEME**

20. A purpose of the scheme and artifice to defraud was for MENDELSON and Accomplice #1 to unjustly enrich themselves by converting to their personal use and benefit

contributions to PAC #1, PAC #2, and PAC #3, and donations to other organizations, that MENDELSON had solicited and induced through materially false and fraudulent pretenses and representations, concerning, among other things, the use that would be made and was made of the contributions and donations.

21. A further purpose of the scheme and artifice was to use the contributions received by PAC #1, PAC #2, and PAC #3 to make concealed and illegal payments to a public official and payments to reimburse campaign contributions in order to enhance MENDELSON's power and influence as a lobbyist. MENDELSON's enhanced reputation as a lobbyist in turn boosted his ability to raise more funds from various individuals and companies, including Contributor #1, Contributor #2, Contributor #3, and Contributor #4.

#### **MANNER AND MEANS**

The scheme was carried out in the following ways, among others, in the Southern District of Florida and elsewhere:

22. It was a part of the scheme that MENDELSON would and did solicit contributions from Contributor #1, Contributor #2, Contributor #3, and Contributor #4, and others, by representing that the funds would be used to support issues and candidates and obtain legislation and other action by State of Florida officials that would be in their interest. This included, but was not limited to, the following contributions:

a. On or about August 16, 2002, MENDELSON induced and directed Contributor #1 to make a contribution of \$100,000 to PAC #2.

b. Beginning in or about March 2005 and ending in or about 2007, MENDELSON caused Contributor #3 to make contributions totaling at least \$600,000 to PAC #2 and PAC #3.

23. It was a further part of the scheme that substantial amounts of the contributions that MENDELSON solicited for PAC #1, PAC #2, and PAC #3 were in fact diverted by him to MENDELSON's personal use and benefit, including more than \$350,000 through the following payments, among others:

a. Between in or about April 2003 and continuing through February 2005, MENDELSON caused approximately \$60,000 in checks to be sent directly to his mistress on a monthly basis, and additional checks to be sent to his mistress through a corporation she created at MENDELSON's suggestion in March 2004 to receive the funds covertly ("the conduit corporation"). MENDELSON told Accomplice #1 that these payments were for her assistance with fund raising activities. MENDELSON caused the payments to be made from funds contributions to PAC #1, PAC #2, and PAC #3.

b. From on or about August 11, 2003, through on or about June 14, 2004, MENDELSON caused approximately \$240,000 in additional funds from PAC #2 and PAC #3 to be paid to his mistress to purchase and paint a personal residence for them and to buy a car for her, among other things. MENDELSON caused these payments to be made to his mistress directly and through the conduit corporation using funds transferred from PAC #2 and PAC #3 to Corporation #2. To justify these additional payments, MENDELSON represented to

Accomplice #1 that these payments in turn were being used to direct money to a public official he named in ways that would be difficult for anyone to trace.

c. In or about October 2003, February 2004, and May 2004, MENDELSON caused the issuance of \$35,000 in checks as payments to the tutor preparing his children to take the Standardized Achievement Test (SAT) for college entrance. MENDELSON caused these payments to be made by PAC #2 and used funds transferred from PAC #2 and PAC #3 to Corporation #2.

d. On or about October 30, 2003, November 3, 2005, and February 13, 2007, MENDELSON caused the issuance of checks totaling \$15,000 to an employee of his medical practice primarily as a bonus for the employee's service at MENDELSON's practice. MENDELSON funded these checks using money from PAC #2 directly and money transferred from PAC #2 and PAC #3 to Corporation #1.

e. On or about October 21, 2003, and November 25, 2003, MENDELSON caused the issuance of two checks for \$10,000, each payable to American Express and drawn on funds contributed to PAC #2. MENDELSON used these checks to pay his personal American Express bills.

f. From March 2004 through April 2006, MENDELSON caused \$250,000 in contributions to PAC #3 to be sent to the medical school he attended and to which his child sought admission as donations on behalf of or "in honor of" MENDELSON.

g. On or about June 24, 2005, MENDELSON caused approximately \$25,000 in contributions to PAC #3 to be used to pay the college tuition bills for one of MENDELSON's children.

h. On or about February 13, 2007, MENDELSON caused Corporation #1 to pay approximately \$10,000, which was derived primarily from contributions to PAC #2, for his children's grammar school tuition bills.

i. From in or about October 2003 through July 2008, MENDELSON caused approximately \$100,000 in contributions to PAC #1, PAC # 2, and PAC #3 to be paid to himself. MENDELSON claimed that much of the \$100,000 represented reimbursements for the costs of hosting fund raisers for candidates for the Florida legislature. MENDELSON received some of this \$100,000 from PAC #1 directly, but also received funds from PAC #2 and PAC #3 that had been transferred to Corporation #1, Corporation #2, and Corporation #3. MENDELSON concealed the alleged reimbursements in this way because the payments exceeded MENDELSON's actual expenses, and because many of the reimbursements were prohibited by laws requiring fund raising expenses to be treated as in-kind campaign contributions subject to limits on amounts and sources of campaign funds.

24. It was further part of the scheme that to induce more payments to be made to PAC #1, PAC #2, and PAC #3, and for himself personally, MENDELSON would and did make false claims to some contributors that he would reach and had reached agreements, including illegal agreements, with certain public officials for the benefit of the contributors, including:

2003-2004 Solicitations

- a. In or about September 2003, MENDELSON agreed to use his perceived significant political influence and relationships to assist in obtaining legislation that would be favorable to Contributor #2's businesses and to defeat unfavorable legislation.
- b. In or about September 2003, MENDELSON agreed to assist Contributor #2 by attempting to use his influence to shut down the state investigation of Contributor #2 and others.
- c. In or about October 2003, MENDELSON falsely represented to Contributor #2 that he had secured the agreement of senior government officials to close the state investigation of Contributor #2 and others in exchange for over \$1,000,000 in contributions purportedly sought by the senior government officials, and donations to campaigns for candidates as directed by MENDELSON. In fact, MENDELSON had not secured such an agreement.
- d. From in or about October 2003 through April 2004, MENDELSON induced and directed Contributor #2 to provide checks totaling approximately \$1,665,000 payable to PAC #1, PAC #2, and PAC #3.
- e. From early October 2003 through in or about April 2004, MENDELSON also induced and directed Contributor #2 to make contributions to certain campaign committees for public officials that he described as helpful or likely to be helpful to Contributor #2's interests.
- f. In exchange for his legislative assistance and for the purported purpose of hindering a the state investigation of Contributor #2 and others, MENDELSON also demanded

and directed that Contributor #2 make two check payments totaling \$75,000 for school tuition expenses for MENDELSON's children in October 2003, and a wire transfer for \$75,000 to the account of a Fort Lauderdale, Florida, car dealership for the balance of the purchase price of a new luxury automobile, which MENDELSON personally selected, in November 2003.

2007 Solicitations

g. In or about early May 2007, MENDELSON contacted Contributor #2 and solicited contributions of approximately \$400,000 to PAC #2, claiming that he would use the money to pay for television advertisements in connection with a political campaign for public office.

h. In or about early May 2007, Contributor #2 advised MENDELSON that he could not easily make such contributions because of the court-appointed Receiver's control of Contributor #2's companies and their assets from which he could make such contributions, and because of the federal investigation involving him, among other matters.

i. In subsequent conversations in early May 2007, MENDELSON falsely told Contributor #2 that he had entered into an agreement with senior government officials who had agreed to exert pressure on the federal prosecutors investigating Contributor #2 to close the investigation in exchange for the \$400,000 in contributions to PAC #2 and in gratitude for past and future contributions that Contributor #2 might make for the benefit of the senior government officials. MENDELSON falsely represented to Contributor #2 that these were the same senior government officials whom they had previously bribed to close the state investigation. of Contributor #2 and others.

j. On or about May 9, 2007, at approximately 7:43 a.m., MENDELSONH emailed Contributor #2 the wiring instructions for the contributions to PAC #2.

k. On or about May 9, 2007, at approximately 8:36 a.m., MENDELSONH emailed Contributor #2, and stated among other things that "I am making very good progress. 'Trading baseball cards' always works when you are dealing with straight shooters. Talk to you later today . . . ."

l. On or about May 9, 2007, at approximately 2:43 p.m., MENDELSONH emailed Contributor #2 a message containing a report that no funds had been received by 2:30 p.m., and asked Contributor #2 again to send the money.

m. On or about May 9, 2007, at approximately 4:43 p.m., MENDELSONH emailed Contributor #2 and Contributor #2's lawyer, and stated among other things that he "needed a detailed time line from the SEC Settlement Dec. 2005 until the present time with what has transpired" and that "[t]his info is for me to pass along to concerned friends."

n. On or about May 11, 2007, at approximately 8:12 a.m., MENDELSONH emailed Contributor #2 and his lawyer and stated among other things, "I have received no correspondence, therefore, I will assume that you desire to pursue things from a different angle. Keep me posted . . . ."

o. On or about May 15, 2007, at approximately 9:22 p.m., Contributor #2 emailed MENDELSONH and explained that Contributor #2's lawyer had been busy, but Contributor #2 had started on the chronology of events, "and I am diligently working on my end of things=I [sic] will be in touch with you shortly."

p. On or about May 15, 2007, at approximately 10:37 p.m., MENDELSONH emailed Contributor #2, and stated "Please expedite on both fronts. . . . All TV commercials, radio ads, direct mail pieces MUST be paid in advance by state law. We are rapidly running out of time . . . . I do not mean to be a pain in the butt, however, the timing for both fronts is imperative that we expedite!! Talk to you tomorrow."

q. On or about May 18, 2007, in a recorded meeting with Contributor #2, MENDELSONH reiterated that he had spoken to the senior government officials whom he had purported to bribe. MENDELSONH again falsely represented that he had reached an agreement with these officials that, if Contributor #2 made the \$400,000 in contributions to PAC #2 as directed by MENDELSONH, and in appreciation for Contributor #2's prior and possible future payments, the senior government officials would use their positions to pressure the United States Attorney for the Southern District of Florida to obstruct and close the federal investigation involving Contributor #2 and others. In fact, no such agreement with any public officials had been made.

r. On or about May 18, 2007, in a recorded meeting with Contributor #2, MENDELSONH showed Contributor #2 a number in MENDELSONH's cell phone call log that purportedly reflected a call involving one of the senior government officials with whom MENDELSONH purportedly had made the agreement to obstruct and close the federal investigation, all in a fraudulent effort to convince Contributor #2 that he in fact had struck the

corrupt agreement so that Contributor #2 would make the contributions MENDELSON was soliciting from him.

s. After their meeting on May 18, 2007, in recorded telephone calls between MENDELSON and Contributor #2, MENDELSON provided assurances that actions were being taken to secure the closure of the federal investigation in exchange for the contributions.

t. On or about May 26, 2007, MENDELSON met with Contributor #2 to receive the first payment of \$150,000 in contributions in exchange for the agreement to close the federal investigation. MENDELSON falsely provided a detailed update on the progress allegedly being made by the senior government officials' purported "two prong approach" to closing the federal investigation.

25. It was a further part of the scheme that MENDELSON directed that contributions be diverted from PAC #1, PAC #2, and PAC #3 directly, and through transfers to Corporation #1, Corporation #2, and Corporation #3, to make illegal payments to a then public official for that official's support on matters involving legislation, and to make and cause to be made illegal payments to reimburse MENDELSON and other individuals for campaign contributions solicited from them by MENDELSON directly and indirectly. As a result, MENDELSON was able to enhance his ability to solicit more contributions, and consequently more funds for himself. These illegal payments made to further the scheme to defraud include the following:

a. From at least November 2003 through 2006, MENDELSON caused approximately \$87,000 in payments to a then public official to be made to a third party, who, agreeing to serve as an intermediary, passed the payments on to the then public official.

b. On or about June 26, 2004, and July 22, 2004, MENDELSON directed his mistress to write checks payable to campaigns for candidates for public office in Florida from the bank account of the conduit corporation. The campaigns received these checks as if the conduit corporation in fact had funded the contributions, when in truth and in fact, the PACs controlled by MENDELSON were the true source of the contributions.

c. On other occasions between in or about 2002 through in or about 2007, at MENDELSON's direction, MENDELSON and Accomplice #1 caused individuals to be reimbursed for campaign contributions to candidates that MENDELSON had committed to support. MENDELSON funded these reimbursements using money transferred from PAC #2 and PAC #3 to entities including Corporation #1 and Corporation # 2.

d. In or about 2005, MENDELSON asked a person to allow the use of the person's name as someone who had made an in-kind contribution to a candidate because MENDELSON said he had already made the maximum amount of contributions allowed by law in his own name.

26. It was a further part of the scheme that MENDELSON engaged in acts of concealment to facilitate and perpetuate his scheme. In particular, MENDELSON caused income and expense amounts to be falsely characterized or omitted in the books and records of PAC #1, PAC #2, and PAC #3 and Corporation #1, Corporation #2, and Corporation #3, and from public disclosure reports that required the accurate reporting of income and expenditures. These public disclosure reports included, but were not limited to, registration reports for lobbyists to be filed with the Florida Office of Legislative Services; disclosure reports for PAC #1 and PAC #2 to be filed with the State of Florida's Division of Elections; and IRS reports for PAC #3, and for Corporation #1, Corporation #2, and Corporation #3, and the individual recipients to be filed with the IRS. These acts of concealment included, but were not limited to, the following:

a. In 2003 and 2004, MENDELSON caused the \$35,000 in SAT tutor payments to be falsely characterized in the books and records of Corporation #2, PAC #2, and PAC #3 as payments for consulting services. MENDELSON also caused the true nature of the payments to be falsely characterized in Corporation #2's and the PACs' pertinent tax returns, forms, and disclosure reports filed with the IRS and the State of Florida.

b. From at least November 2003 through 2006, MENDELSON caused the approximately \$87,000 in payments to the then public official to be falsely characterized in the books and records of Corporation #1, PAC #1, PAC #2, and PAC #3 as payments to the third party intermediary for consulting services. MENDELSON also caused the true nature of

the payments to be falsely characterized in Corporation #1's and the PACs' pertinent tax returns, forms and reports filed with the IRS and the State of Florida.

c. In 2005, MENDELSON caused to be prepared and filed with the IRS a Form 990 for PAC #3 in which the \$25,000 payment to his mistress's conduit corporation for personal expenses and gifts was falsely represented to have been made to "highlight the need for positive health care for the elderly and those in hospice programs by advocating the policies th [sic] long term health care for the elderly before elected officials and the public at large."

d. In 2005, MENDELSON caused to be prepared and filed with the IRS a Form 990 for PAC #3 in which the \$300,000 payment to Corporation #2 in April 2004, out of which \$150,000 was paid to his mistress, was falsely represented to be a payment made to Corporation #2 "to support the implementation of a program to inform the public concerning the need to screen for retinoblastoma for preschool age children."

e. In 2005 and 2007, MENDELSON caused the \$10,000 in bonus payments to his medical practice employee to be falsely characterized in the books and records of Corporation #1 and in the reports for PAC #2 and PAC #3 filed with the IRS.

f. Beginning in or about August 2002, MENDELSON circumvented certain lobbying disclosure obligations under State of Florida law by directing Contributor #1 to make school tuition payments directly to the schools attended by his children as well as a \$100,000 contribution to PAC #2 in exchange for his lobbying services. MENDELSON induced these payments in part by falsely claiming that his medical practice income had dropped to approximately \$135,000 because of all of the time spent by MENDELSON volunteering to

work on political fund raising and lobbying efforts. MENDELSON caused these payments to be omitted from or falsely characterized in pertinent tax returns, forms and reports filed with the IRS and the State of Florida.

g. In 2004 and 2005, MENDELSON circumvented certain lobbying disclosure obligations under State of Florida law by directing Contributor #3 and Contributor #4 to make donations to a school in exchange for his lobbying services. At his direction, MENDELSON then converted and caused the conversion of those donations to payments for his children's tuition bills. MENDELSON caused these payments to be omitted from or falsely characterized in pertinent tax returns, forms and reports filed with the IRS and the State of Florida.

27. For the purpose of executing and attempting to execute the scheme and artifice to defraud, in the Southern District of Florida and elsewhere, on or about the dates listed below, defendant MENDELSON, aided and abetted by others, did knowingly transmit and cause to be transmitted writings, sounds, and signals by means of wire in interstate commerce to transmit messages and the funds to make the payments described below:

Fraudulent Solicitations and Contributions

COUNT	Approximate Date	Interstate Wire
1	4/19/04	Interstate wire from Florida to Wachovia's central computers in North Carolina or its back up computer in Alabama to transmit funds totaling \$300,000 representing proceeds of a check caused to be sent by MENDELSON from Contributor #2 to PAC #3

2	4/22/04	Interstate wire from Florida to Wachovia's central computers in North Carolina or its back up computer in Alabama to transmit funds totaling \$75,000 representing proceeds of a check MENDELSON caused to be sent from Contributor #2 to PAC #1
3	4/28/04	Interstate wire from Florida to Wachovia's central computers in North Carolina or its back up computer in Alabama to transmit funds totaling \$140,000 representing proceeds from a check MENDELSON caused to be sent from Contributor #2 to PAC #1
4	5/9/07	Interstate wire from MENDELSON in Florida to Virginia to transmit an electronic message to Contributor #2 from MENDELSON providing wiring instructions for the PAC contributions
5	5/9/07	Interstate wire from MENDELSON in Florida to Virginia to transmit an electronic message to Contributor #2 from MENDELSON saying, among other things "I am making very good progress. . ."
6	5/9/07	Interstate wire from MENDELSON in Florida to Virginia to transmit an electronic message to Contributor #2 and his lawyer from MENDELSON about the need for a chronology of the federal investigation to pass along to "concerned friends"
7	5/11/07	Interstate wire from MENDELSON in Florida to Virginia to transmit an electronic message to Contributor #2 and his lawyer from MENDELSON, saying among other things "I have received no correspondence, therefore, I will assume that you desire to pursue things from a different angle."

Theft of funds for MENDELSON's personal use and benefit:

28. For the purpose of executing and attempting to execute the scheme and artifice to defraud, in the Southern District of Florida and elsewhere, on or about the dates listed below,

defendant MENDELSON, aided and abetted by others, did knowingly either transmit and cause to be transmitted writings, sounds, and signals by means of wire in interstate commerce, or send and cause to be sent and delivered by a commercial interstate carrier according to the direction thereon, the checks described below drawn on funds from the PACs and provided to the following persons or entities for MENDELSON's own use and benefit:

COUNT	Approximate Date	Mail or Commercial Interstate Delivery or Interstate Wire
8	4/19/04	Interstate wire from Florida to Wachovia's central computers in North Carolina or its back up computer in Alabama to transmit funds totaling \$150,000 from Corporation #2 to the account of MENDELSON's mistress to use to purchase a personal residence for MENDELSON and his mistress and other personal expenses
9	4/20/04	Delivery by a commercial interstate carrier to MENDELSON in Hollywood, Florida, of Check No. 1082 for \$5,000 from Corporation #2 payable to MENDELSON
10	5/19/04	Delivery by a commercial interstate carrier to MENDELSON in Hollywood, Florida, of Check No. 1089 for \$15,000 from Corporation #2 to pay for SAT test preparation courses for MENDELSON's children
11	5/19/04	Interstate wire from Florida to Wachovia's central computers in North Carolina or its back up computer in Alabama to transmit funds totaling \$5,125 from Corporation #2 to MENDELSON's account

12	6/15/04	Delivery by a commercial interstate carrier to MENDELSON in Hollywood, Florida, of Check No. 1102 for \$50,000 from Corporation #2 payable to the conduit corporation for the personal use of MENDELSON and his mistress
13	6/24/05	Delivery by a commercial interstate carrier to MENDELSON in Hollywood, Florida, of Check No. 1055 for \$25,000 from PAC #3 to pay college tuition for MENDELSON's son
14	11/3/05	Delivery by a commercial interstate carrier to MENDELSON in Hollywood, Florida, of Check No. 1037 for \$5,000 from Corporation #1 to an employee of MENDELSON's medical practice primarily as a bonus for his work in the medical practice
15	2/13/07	Delivery by a commercial interstate carrier to MENDELSON in Hollywood, Florida, of Check No. 1106 for \$10,000 from Corporation #1 to pay private school tuition for MENDELSON's child
16	2/13/07	Interstate wire from Florida to Wachovia's central computers in North Carolina or its back up computer in Alabama to transmit funds totaling \$5,000 from Corporation #1 to the account of an employee of MENDELSON's medical practice primarily as a bonus for his work in the medical practice
17	7/21/08	Delivery by a commercial interstate carrier to MENDELSON in Hollywood, Florida, of Check No. 2119 for \$5,000 from Corporation #2 to MENDELSON

Payments To A Now-Former Public Official Concealed As Payments To An Intermediary

29. For the purpose of executing and attempting to execute the scheme and artifice to defraud, in the Southern District of Florida and elsewhere, on or about the dates listed below, defendant MENDELSON, aided and abetted by others, did knowingly either transmit and

cause to be transmitted writings, sounds, and signals by means of wire in interstate commerce, or send and cause to be sent and delivered by a commercial interstate carrier according to the direction thereon, the checks described below drawn on funds from the PACs and provided to an intermediary, who would and did provide the funds to a then public official, who also concealed the receipt of the funds:

<b>COUNT</b>	<b>Approximate Date</b>	<b>Mail or Commercial Interstate Delivery or Interstate Wire</b>
18	5/7/04	Delivery by a commercial interstate carrier to the Intermediary in South Florida of Check No. 1010 for \$5,000 from PAC #3 characterized as a payment to the Intermediary for consulting services rendered by the Intermediary to PAC #3
19	6/21/04	Interstate wire from Florida to Wachovia's central computers in North Carolina or its back up computer in Alabama to provide \$25,000 in funds from PAC #1 to the Intermediary characterized as a payment to the Intermediary for consulting services rendered by the Intermediary to PAC #1
20	5/19/05	Delivery by a commercial interstate carrier to the Intermediary in South Florida of Check No. 1048 for \$5,000 from PAC #3 characterized as a payment to the Intermediary for consulting services rendered by the Intermediary to PAC #3
21	6/17/05	Delivery by a commercial interstate carrier to the Intermediary in South Florida of Check No. 1132 for \$5,000 from PAC #2 characterized as a payment to the Intermediary for consulting services rendered by the Intermediary to PAC #2
22	7/21/05	Delivery by a commercial interstate carrier to the Intermediary in South Florida of Check No. 1060 for \$5,000 from PAC #3 characterized as a payment to the Intermediary for consulting services rendered by the Intermediary to PAC #3

23	8/22/05	Delivery by a commercial interstate carrier to the Intermediary of Check No. 1063 for \$5,000 from PAC #3 characterized as payment to the Intermediary for consulting services rendered by the Intermediary to PAC #3
24	9/20/05	Delivery by a commercial interstate carrier to the Intermediary of Check No. 1025 for \$5,000 from Corporation #1 characterized as a payment to the Intermediary for consulting services rendered by the Intermediary to Corporation #1
25	10/13/05	<p><i>JA</i> <del>\$7,000</del> <sup>\$5,000</sup>  <i>EW</i></p> <p>Delivery by a commercial interstate carrier to the Intermediary in South Florida of Check No. 1031 for <del>\$7,000</del> from Corporation #1 characterized as a payment to the Intermediary for consulting services rendered by the Intermediary to Corporation #1</p>
26	10/13/05	<p><i>EW</i></p> <p>Interstate wire from Florida to Wachovia's central computers in North Carolina or its back up computer in Alabama to transmit funds totaling <del>\$5,000</del> from Corporation #1 to the Intermediary characterized as a payment to the Intermediary for consulting services rendered by the Intermediary to Corporation #1</p> <p><i>EW</i></p>
27	12/19/05	Delivery by a commercial interstate carrier to the Intermediary in South Florida of Check No. 1053 for \$5,000 from Corporation #1 characterized as a payment to the Intermediary for consulting services rendered by the Intermediary to Corporation #1

All in violation of Title 18 U.S.C. §§ 1341, 1343 and 2.

**COUNT 28**  
**(False Statements to Federal Agents)**

30. The Grand Jury realleges paragraphs 1 through 17, and 20 through 26 of this indictment as though fully set forth herein.

31. On or about May 27, 2007, in Miami in the Southern District of Florida, in a matter within the jurisdiction of the executive branch of the Government of the United States, defendant,

**ALAN D. MENDELSON,**

did knowingly and willfully make materially false, fictitious and fraudulent statements and representations, in that during the course of an interview by FBI agents conducting an official investigation into allegations of MENDELSON's involvement with others in bribery, obstruction of justice, attempted obstruction of justice, and tax offenses, MENDELSON falsely denied to the agents that he ever told Contributor #2 that he had made arrangements in 2003 or 2004 with certain public officials to close the state investigation or that he would make such arrangements, when MENDELSON well knew, that he had told Contributor #2 on a number of occasions in 2003 and 2004 that he had secured an agreement with certain senior government officials to use their positions to close the state investigation in exchange for the contributions totaling more than \$1,000,000 to PAC #1, PAC #2 and PAC #3, and other payments that Contributor #2 made at MENDELSON's direction.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT 29**  
**(False Statements to Federal Agents)**

32. The Grand Jury realleges paragraphs 1 through 17, and 20 through 26 of this indictment as though fully set forth herein.

33. On or about May 27, 2007, in North Miami Beach in the Southern District of Florida, in a matter within the jurisdiction of the executive branch of the Government of the United States, defendant,

**ALAN D. MENDELSON,**

did knowingly and willfully make materially false, fictitious and fraudulent statements and representations, in that during the course of an interview by FBI agents conducting an official investigation into allegations of MENDELSON's involvement with others in bribery, obstruction of justice, attempted obstruction of justice and tax offenses, MENDELSON falsely denied to the agents, that he knew that Contributor #2 caused a payment of \$50,000 to be made for university tuition expenses for MENDELSON's child, when in truth and in fact, as MENDELSON well knew Contributor #2 had made the payment at MENDELSON's direction.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT 30**  
**(False Statements to Federal Agents)**

34. The Grand Jury realleges paragraphs 1 through 17, and 20 through 26 of this indictment as though fully set forth herein.

35. On or about May 27, 2007, in North Miami Beach in the Southern District of Florida, in a matter within the jurisdiction of the executive branch of the Government of the United States, defendant,

**ALAN D. MENDELSON,**

did knowingly and willfully make materially false, fictitious and fraudulent statements and representations, in that during the course of an interview by FBI agents conducting an official investigation into allegations of MENDELSON's involvement with others in bribery, obstruction of justice, attempted obstruction of justice and tax offenses, MENDELSON falsely stated to the agents that Contributor #2 and Contributor #2's wife surprised him with a gift of a pre-paid luxury car, and that it was waiting for him to pick up at the dealership Contributor #2 identified, when in truth and in fact, as MENDELSON well knew, MENDELSON selected the car and directed Contributor #2 to have \$75,000 wired to the dealership in exchange for his services to Contributor #2 and his companies in securing passage of legislation favorable to the companies, and in exchange for MENDELSON's purported efforts to obtain a corrupt agreement to close the state investigation.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT 31**  
**(False Statements to Federal Agents)**

36. The Grand Jury realleges paragraphs 1 through 17, and 20 through 26 of this indictment as though fully set forth herein.

37. On or about May 27, 2007, in North Miami Beach in the Southern District of Florida, in a matter within the jurisdiction of the executive branch of the Government of the United States, defendant,

**ALAN D. MENDELSON,**

did knowingly and willfully make materially false, fictitious and fraudulent statements and representations, in that during the course of an interview by FBI agents conducting an official investigation into allegations of MENDELSON's involvement with others in bribery, obstruction of justice, attempted obstruction of justice and tax offenses, MENDELSON falsely denied to the agents that he received money or assets from anyone other than Contributor #2 and his companies in connection with his use of his political connections, when in truth and in fact, as MENDELSON well knew, he had solicited and received significant financial benefits directly and indirectly from other companies and other lobbyists for whom he sought legislation and other assistance from legislators and other government officials, including at least \$149,000 in tuition payments for his children's education.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT 32**  
**(False Statements to Federal Agents)**

38. The Grand Jury realleges paragraphs 1 through 17, and 20 through 26 of this indictment as though fully set forth herein.

39. On or about May 27, 2007, in North Miami Beach in the Southern District of Florida, in a matter within the jurisdiction of the executive branch of the Government of the United States, defendant,

**ALAN D. MENDELSON,**

did knowingly and willfully make materially false, fictitious and fraudulent statements and representations, in that during the course of an interview by FBI agents conducting an official investigation into allegations of MENDELSON's involvement with others in bribery, obstruction of justice, attempted obstruction of justice and tax offenses, MENDELSON falsely stated to the agents, among other things, that he never received any financial benefit from any of the political organizations for which he solicited contributions, when in truth and in fact, as MENDELSON well knew, he had received significant financial benefits directly and indirectly from the political

organizations for which he raised money in the form of payments in excess of \$300,000 to himself and to third parties.

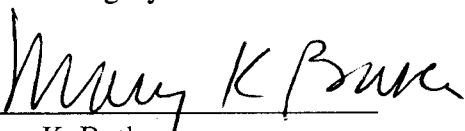
All in violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL

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Dated: 9/29/09

WILLIAM M. WELCH II  
Chief  
Public Integrity Section

  
Mary K. Butler  
Justin V. Shur  
Eric G. Olshan  
Trial Attorneys  
Public Integrity Section  
U.S. Department of Justice  
1400 New York Ave.  
Washington, DC 20005  
202-514-1412

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

vs.

**CERTIFICATE OF TRIAL ATTORNEY\***

ALAN D. MENDELSON,

Defendant.

**Superseding Case Information:**

Court Division: (Select One)

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

X Miami \_\_\_\_\_ Key West \_\_\_\_\_  
FTL \_\_\_\_\_ WPB \_\_\_\_\_ FTP \_\_\_\_\_

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the indictment/information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_

4. This case will take 10-14 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I 0 to 5 days _____	Petty _____
II 6 to 10 days _____	Minor _____
III 11 to 20 days <u>X</u>	Misdem. _____
IV 21 to 60 days _____	Felony <u>X</u>
V 61 days and over _____	

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes: Judge: \_\_\_\_\_ Case No. \_\_\_\_\_  
(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes: Magistrate Case No. \_\_\_\_\_  
Related Miscellaneous numbers: N/A  
Defendant(s) in federal custody as of N/A  
Defendant(s) in state custody as of N/A  
Rule 20 from the N/A District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? \_\_\_\_\_ Yes X No

MARY K. BUTLER  
SENIOR TRIAL ATTORNEY  
US DOJ, PUBLIC INTEGRITY SECTION  
Washington, DC 20005  
Florida Bar No. A5501157

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

BOND RECOMMENDATION

Alan D. Mendelsohn

DEFENDANT: \_\_\_\_\_

\$100,000 personal surety to be cosigned by wife, sister and brother-in-law  
(Surety) (Recognizance) (Corp. Surety) (Cash) (Jail)  
(CSB) (No Bond) (Warrant) (Summons) (Marshal's Custody)

By: Mary K Butler  
Mary K. Butler  
Senior Trial Attorney  
U.S. Department of Justice  
Public Integrity Section  
Washington, DC

Last Known Address: 3101 N. 47<sup>th</sup> Ave.  
Hollywood, FL 33022

What Facility: N/A

Agent(s): FBI SAs Brian Szczepanski and Ronnalyn Crain  
(FBI) (SECRET SERVICE) (DEA) (IRS) (CUSTOMS) (**OTHER**)