LAW OFFICES OF

J. WHITFIELD LARRABEE

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June 29, 2016

Honorable Robert L. Capers, U. S. Attorney for the Eastern District of New York Office of the United State Attorney Department of Justice 271 Cadman Plaza East Brooklyn, New York 11201 Honorable Christopher P. Canova, Acting U. S. Attorney For Northern Dist. of Florida Tallahassee Headquarters 111 North Adams Street 4th Floor, U.S. Courthouse Tallahassee, Florida 32301

Re: In The Matter Of: Donald J. Trump and Pamela Jo Bondi

Dear U. S. Attorney Capers and Acting U.S. Attorney Canova:

Enclosed please find two complaints, one for each of your districts, concerning Donald J. Trump and Pamela Jo Bondi. These matters concern events that occurred in both Tallahassee Florida and New York City. They also concern residents of Florida and New York.

Duplicates of these complaints are being served on Mr. Raymond Hulser, Chief of the Public Integrity Section of the Department of Justice.

Thank you for your time and consideration of these matters.

Very truly yours,

J. Whitfield Larrabee

J. Whitfield Larrabee

JWL/hg

cc: Raymond Hulser, Esq.
Chief, Public Integrity Section
Department of Justice, Criminal Division
Bond Building, 12th Floor
1400 New York Avenue, N.W.
Washington, D.C. 20005

U.S. ATTORNEY'S OFFICE – EASTERN DISTRICT OF NEW YORK CITIZEN INQUIRY/COMPLAINT FORM

Date: June 29, 2106	Time: 9:00 am	
Name: J. Whitfield Larrabee		
Street Address: <u>251 Harvard Street</u> , Suite 9		Apt. No.:
City: Brookline	State: MA	Zip: 02446
Home Tel. No: Office: 617.566.3670	Cell No:	
Who referred you to this Office? Self		
Have you contacted other Government offices co	oncerning this iss	sue yet? Yes No
If yes, which office(s)? Florida Div. on Elections	s, Florida Ethics	Comm., Florida Bar
Inquiry/Complaint:		
		: 1
Please see the enclosed complaint against De	onald J. Trump a	ınd Pamela Jo Bondi.

Please return to:

United States Attorney's Office Eastern District of New York 271 Cadman Plaza East Brooklyn, New York 11201

Attn: Intake

UNITED STATES DEPARTMENT OF JUSTICE OFFICES OF THE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF:)	COMPLAINT NO.
)	
DONALD J. TRUMP AND)	
PAMELA JO BONDI,)	
)	
Respondents)	
)	

COMPLAINT

INTRODUCTION

1. This is a complaint for violations of federal anti-bribery laws and federal laws prohibiting mail fraud, wire fraud, and criminal conspiracy. This complaint is urgent because it concerns the corruption of an elected and presently serving state Attorney General by an individual who is expected to represent the Republican Party as its candidate for President of the United States. Corruption of this nature interferes with the functioning of the governments of Florida and of the United States and undermines the public's confidence in our democratic institutions.

PARTIES

- 2. Complainant, J. Whitfield Larrabee (hereinafter "Larrabee"), is a resident of Massachusetts and is a licensed attorney.
- 3. Respondent Donald J. Trump (hereinafter "Trump") is a resident of New York. He is and was President of The Donald J. Trump Foundation (hereinafter "the Trump Foundation") at all relevant times.
- 4. Respondent Pamela Jo Bondi ("Bondi") is a resident of Florida. Bondi is a graduate of Stetson University Law School and is licensed to practice law in the State of Florida. She is presently the Florida Attorney General. She was the Florida Attorney General at all times relevant to this complaint.
- 5. The Trump foundation is a New York corporation, charity and non-profit with section 501(c)(3) status.

JURISDICTION

6. Federal jurisdiction in this case is based on evidence that Trump and Bondi participated in a bribery scheme in New York and Florida that crossed state lines, violated federal laws concerning tax exempt charitable organizations, and required the use of interstate telephone, mail, internet and banking facilities. There is probable cause to find that Trump and Bondi used the mail, telephone, internet and other interstate facilities with the intent to give and receive a bribe in violation of The Travel Act, 18 U.S.C. §§ 371 & 1952. There is also probable cause to find that Trump and Bondi engaged in mail fraud, wire fraud and conspiracy by carrying out a bribery scheme in which they knowingly, wilfully and with specific intent conspired to and actually did deprive Bondi's constituents of her honest services, in violation of 18 U.S.C. §§ 1341, 1343, and 1346.

FACTUAL AND LEGAL BASIS FOR THE COMPLAINT

- 7. There is probable cause to establish that on September 17, 2013, Donald Trump bribed Pamela Bondi, the Florida Attorney General, in violation of Sections 200.3 and 200.11 of the New York Penal Code, which prohibit the bribery of public servants, by his giving and her receiving of a bribe valued at over \$10,000.1
- 8. According to Bondi's political consultant Marc Reichelderfer, several weeks prior to September 13, 2013, Bondi spoke to Trump and personally solicited a campaign contribution from him.² It is very likely that this solicitation used the interstate telephone system. At the time Bondi solicited this campaign contribution, numerous complaints against Trump University and Trump Institute had been filed and were under review by the Florida Attorney General's office.
- 9. On September 13, 2013, the Orlando Sun Sentinel reported that a spokesman at the office of the Attorney General of Florida announced that it was conducting a review of the allegations in a New York lawsuit against Trump University.³ At the time of the review, more than 20 Florida residents had filed complaints, alleging fraud and other unfair

1 trump-entrepreneur-initiative-trump-university-florida-attorney-general

¹ Sections 200.3 and 200.11 of the New York Penal Code are set forth in Exhibit "A."

² Fineout, Gary, et al, <u>Florida AG asked Trump for donation before nixing fraud case</u>, Associated Press, Jun. 6, 2016, http://bigstory.ap.org/article/e16a8223c24048d290883370dc6abe5b/florida-ag-asked-trump-dona tion-nixing-fraud-case

³ Burnett, Richard, N.Y.'s Trump U Suit Draws Florida Official's Attention, Orlando Sentinel, September 13, 2013, http://articles.orlandosentinel.com/2013-09-13/business/os-trump-institute-complaints-20130913

business practices, with the Attorney General's office against Trump University and the Trump Institute. Trump actively participated in promoting these businesses, he had a financial interest in each of these ventures, and it was in his financial and legal interest that the Florida Attorney General refrain from joining in or bringing litigation against, Trump, Trump University and the Trump Institute.

- 10. In addition to the complaints against Trump University and the Trump Institute that were filed with the Florida Attorney General's office, both before and after Bondi was elected, it very likely that numerous other Florida residents were aggrieved by Trump University or the Trump Institute but failed to file complaints with the Attorney General's Office.
- 11. On September 17, 2013, a political group backing Bondi's re-election, called And Justice for All, reported receiving a \$25,000 contribution from the Trump Foundation.⁴
- 12. On or before October 17, 2013, Jeane Meale, a spokeswoman for Bondi, indicated that Bondi's office would take no action against Trump University.⁵ Although her office conducted very little if any investigation of the complaints against Trump University and the Trump Institute, Bondi in fact elected not to join in New York litigation against Trump University, and her office made no further effort to initiate litigation against Trump University or the Trump Institute.⁶
- 13. Although there was sufficient evidence to bring litigation against Trump University and the Trump institute, to date Bondi has not initiated any litigation on behalf of the numerous Florida residents who filed complaints with the Florida Attorney General's office.

⁴ In transferring \$25,000 to the political committee supporting Bondi, it is very likely that the funds were transferred by the mails, and, through the use of interstate banking facilities, touched upon the interstate system of wires and fiber optic cables. In the unlikely event that the transfer of funds was made in cash and in person, it would require at least one of the parties to travel across state lines, an alternative basis to establish a violation of The Travel Act.

Van Sickler, Michael, <u>Trump contribution to Bondi re-election draws more scrutiny to her fundraising</u>, Tampa Bay Times, October 17, 2013 http://www.tampabay.com/news/politics/elections/trump-contribution-to-pam-bondis-re-election-draws-more-scrutiny-to-her/2147796

⁶ Fineout, Gary, et al, <u>Florida AG asked Trump for donation before nixing fraud case</u>, Associated Press, Jun. 6, 2016

Van Sickler, Michael, <u>Trump contribution to Bondi re-election draws more scrutiny to her fundraising</u>, Tampa Bay Times, October 17, 2013

- 14. Evidence strongly indicates that Bondi's decision not to initiate or participate in litigation against Trump University was given in exchange for Trump's contribution based on the short time period between the receipt of the political contribution and the announcement of Bondi's decision not to participate in the New York litigation. No more than 30 days after the \$25,000 payment was made, Bondi's spokeswoman announced that Bondi would take no action against Trump University and its affiliates. The timing of these events is substantial evidence of a *quid pro quo* in which Trump gave money to a political committee supporting Bondi's in exchange for Bondi's agreement not to take any action against Trump University.
- 15. Due to the obvious conflict of interest, it was dishonest, unethical and unlawful for Bondi to solicit and accept a political campaign donation from Donald Trump at a time when the Florida Attorney General's office was considering litigation against Trump University and had received numerous complaints against Trump University and its affiliates. Based on Bondi's legal knowledge, training and experience, it is very likely that she knowingly and intentionally disregarded this conflict of interest. Bondi's action in disregarding the conflict of interest is substantial evidence of her corrupt motives and intentions in soliciting and accepting the \$25,000 contribution from Trump.
- 16. Trump has publicly declared that he gives political contributions to elected officials in exchange for political favors. On July 16, 2016, while campaigning in Laconia, New Hampshire, Trump spoke about Jeb Bush's fundraising. He stated: "He raises 100 million, so what does 100 million mean? 100 million means he's doing favors for so many people, it means lobbyists, it means special interests, it means donors...Who knows it better than me? I give to everybody. They do whatever I want. It's true." On January 9, 2016, at a campaign rally in Clear Lake Iowa, which was broadcast on C-SPAN, Trump boasted: "You know, it's interesting. I was looking at the ones I'm running against. I've contributed to most of them -- can you believe it? I've contributed to most of them. And one of them said, No, I don't think you've contributed to me. They found out I did. I contribute to everybody. I've given to Democrats. I've given to Hillary. I've given to everybody, because that was my job. I've got to give to them, because when I want something I get it. When I call, they kiss my ass. It's true. They kiss my ass. It's true."8 Trump's public statements are compelling evidence of his corrupt motivations and intentions.

⁷ Spodak, Cassie, <u>Trump says Bush's fundraising means he's doing favors</u>, CNN Politics, July 17, 2015, http://edition.cnn.com/2015/07/16/politics/donald-trump-new-hampshire-jeb-bush/index.html

http://edition.eiiii.com/2015/07/10/pontics/donaid-trump-new-nampsime-jeo-ousii/index.html

⁸ C-SPAN broadcast, January 9, 2016, <u>Campaign Rally in Clear Lake Iowa</u>, https://www.youtube.com/watch?v=w-li1B4Ceb0

York, Byron, <u>Trump on buying politicians</u>, 'When I call, they kiss my ass', Washington Examiner, January 10, 2016, http://www.washingtonexaminer.com/trump-on-buying-politicians-when-i-call-they-kiss-my-ass/article/2580063

- 17. In 2010, Richard Berlin, an Assistant Attorney General with the Texas Consumer Protection Division requested permission to file a lawsuit against Trump University, Trump and his business partners seeking more than \$5.4 million in penalties and restitution related to fraud and deceptive business practices. The suit was dropped by the office of Texas Attorney General Gregory Abbott. Former Texas Deputy Chief of Consumer Protection John Owens said the case was strong and had been dropped for political reasons. In 2013, Trump contributed \$35,000 to Attorney General Abbott in his campaign to be Governor of Texas. Gregory Abbott is presently the Governor of Texas. Trump has engaged in a pattern of corrupt influence peddling.
- 18. Under the laws of the United States and Florida, it is unlawful for a charitable foundation to contribute funds to a political action committee, and it is unlawful for a political action committee to accept such a contribution.⁹
- 19. As a 501(c)(3) organization, the Trump Foundation is strictly prohibited from making financial or in-kind political contributions. Notwithstanding this prohibition, Trump arranged for the Trump Foundation to make a \$25,000 contribution to a political committee supporting Bondi. The Committee, with Bondi's knowledge and agreement, accepted this donation.¹⁰
- 20. Based on Bondi's legal knowledge, training and experience, it is very likely that Bondi knew that the contribution from the Trump Foundation was unlawful. Because Trump was the manager and President of the Trump Foundation, he had a fiduciary duty not to use the funds of the foundation for non-charitable purposes. Furthermore, as a seasoned manager of the foundation, it is also very likely that Trump knew that this contribution was illegal. Trump's and Bondi's participation in this illegal transaction is strong evidence of their corrupt motivations and intentions.

⁹ 26 U.S.C. § 501(c)(3) provides that charitable foundations may not "participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

Florida Statute ch. 106.08, § 5(a)(b), provides that: "Candidates, political committees, affiliated party committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good."

Only in 2016, years after accepting the contribution, did Bondi offer to return the illegal donation to the Trump Foundation, and this only occurred after negative media publicity concerning the improper transaction. And Justice For All offered to return, but never actually returned, funds to the Trump Foundation.

- 21. There is also probable cause to find that Trump has misappropriated funds of the Trump Foundation and that Bondi has illegally received, possessed and spent these misappropriated funds.
- 22. Based on admissions of Trump and Bondi, as well as the 2013 990-PF information form filed by the Trump Foundation with the Internal Revenue Service, it is established that \$25,000 in charitable funds from the Trump Foundation were paid to a political committee supporting Bondi (the 2013 990-PF incorrectly identified a non-profit with a similar name the recipient of the gift.) The false 990-PF appears to have been filed electronically by wire.
- 23. After the illegal contribution was discovered and publicly disclosed in the news media in March of 2016, Bondi's accountant announced that she had sent a check to the Trump Foundation to repay the funds. However, the Trump Foundation reported that it voided the check and did not accept the return of the funds.
- 24. Bondi violated New York law by spending and retaining funds received from the Trump Foundation.
- 25. Trump's and Bondi's misappropriation and conversion of the charitable funds of the Trump Foundation are evidence of their corrupt motivations and intentions.¹¹
- 26. There are reasonable grounds to suspect that Trump has committed tax fraud in violation of the laws of the United States in connection with his use of funds from the Trump Foundation. Funds contributed to charitable foundations are tax deductible. If Trump has deducted contributions to the Trump Foundation that were merely reimbursement of the illegal contribution to And Justice For All, then that deduction was fraudulent. In order to determine whether Donald Trump engaged in tax fraud, it is necessary to view the income tax returns of Trump and the Trump Organization. These tax returns have not been made public. If Trump engaged in tax fraud in connection with contributions to the Trump Foundation, or in connection with political contributions made by the Trump Foundation, then it is more likely that Trump's support for Bondi was corruptly motivated.

¹¹ Trump asserts that in 2016 he gave \$25,000 to the Trump Foundation to correct the error he previously made in giving \$25,000 in Trump Foundation money to the political committee called And Justice for All. Fahrenthold, David, <u>Trump camp says \$25,000 charity contribution to Florida AG was a mistake</u>, Washington Post, March 22, 2016; Steve Bosquet, Times Herald Tallahassee Bureau, June 8, 2016, http://www.tampabay.com/blogs/the-buzz-florida-politics/bondis-25000-trump-check-draws-ethics-and-bar-complaints/2280809

27. On June 12, 2016, Florida Governor Richard Scott (hereinafter "Scott") said that he would not call for an independent investigation of the Trump Foundation's \$25,000 contribution to the political committee supporting Bondi. ¹² Common Cause of Florida. elected officials, the editorial boards of leading Florida newspapers, and Larrabee have requested Scott to appoint an independent investigator. However, Trump and Bondi are shielded from criminal investigation in Florida, unless there is a federal intervention, because Bondi is the highest law enforcement officer in Florida, and both she and Trump enjoy the protection of Scott. Bondi is a campaign surrogate for Trump. 13 Scott has endorsed and campaigned on behalf of Trump. The Tampa Bay Times reported that Trump has contributed at least \$100,000 to Scott's political committee. The extremely close political connections between Trump, Bondi and Scott create a conflict of interest and make it extremely unlikely that Florida law enforcement officials can or will conduct an independent and impartial inquiry. It is likely that Trump and Bondi violated the United State's anti-bribery laws in both Florida and New York. Therefore, it is necessary and appropriate for United States officials to initiate a criminal investigation and to bring criminal charges against Trump and Bondi.

WHEREFORE, the complainant demands:

- A. a full, fair and impartial investigation;
- B. presentation of the relevant evidence to a federal grand jury:
- C. indictments against Trump and Bondi based on their use of the mail, telephone and other interstate facilities with the intent to give and receive a bribe in violation of The Travel Act, 18 U.S.C. §§ 371 & 1952;
- D. indictments against Trump and Bondi based on mail fraud, wire fraud and conspiracy by carrying out a bribery scheme in which they knowingly, wilfully and with specific intent conspired to and actually did deprive Bondi's constituents of her honest services, in violation of 18 U.S.C. §§ 1341, 1343, and 1346;
- E. such other relief as is just, equitable or proper.

Welsch, Catherine, Gov. Rick Scott: Calls To Investigate Bondi Are Partisan Politics, 90.7 WFME Local News, June 10, 2016,

https://www.wmfe.org/gov-rick-scott-calls-to-investigate-bondi-are-partisan-politics/60780

¹³ Acosta, Jim, <u>Trump Orders Surrogates To Keep Criticizing Judge, Sources Say, CNN, http://edition.cnn.com/2016/06/06/politics/donald-trump-gonzalo-curiel-trump-university/</u>

Respectfully submitted,

J. Whitfield Larrabele

J. Whitfield Larrabee Law Office of J. Whitfield Larrabee 251 Harvard Street, Suite 9 Brookline, MA 02446 jwlarrabee@verizon.net (617) 566-3670 BBO # 553499

CERTIFICATE OF SERVICE AND FILING

I, J. Whitfield Larrabee, hereby certify that on June 29, 2016, I filed this complaint by faxing the complaint to Honorable Robert L. Capers, U. S. Attorney at 718-254-7508 and by mailing it to Honorable Robert L. Capers, U. S. Attorney for the Eastern District of New York, Office of the United State Attorney, Department of Justice, 271 Cadman Plaza East, Brooklyn, New York 11201. A duplicate of the complaint was also mailed to Raymond Hulser, Esq. Chief, Public Integrity Section, Department of Justice, Criminal Division, Bond Building, 12th Floor, 1400 New York Avenue, N.W., Washington, D.C. 20005.

J. Whitfield Larrabee

EXHIBIT "A"

New York Penal Code § 200.03

Bribery in the second degree.

A person is guilty of bribery in the second degree when he confers, or offers or agrees to confer, any benefit valued in excess of ten thousand dollars upon a public servant upon an agreement or understanding that such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribery in the second degree is a class C felony.

New York Penal Code § 200.11

Bribe receiving in the second degree.

A public servant is guilty of bribe receiving in the second degree when he solicits, accepts or agrees to accept any benefit valued in excess of ten thousand dollars from another person upon an agreement or understanding that his vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribe receiving in the second degree is a class C felony.

UNITED STATES DEPARTMENT OF JUSTICE OFFICES OF THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF FLORIDA

IN THE MATTER OF:)	COMPLAINT NO.
)	
DONALD J. TRUMP AND)	
PAMELA JO BONDI,)	
)	
Respondents)	
)	

COMPLAINT

INTRODUCTION

1. This is a complaint for violations of federal anti-bribery laws and federal laws prohibiting mail fraud, wire fraud, and criminal conspiracy. This complaint is urgent because it concerns the corruption of an elected and presently serving state Attorney General by an individual who is expected to represent the Republican Party as its candidate for President of the United States. Corruption of this nature interferes with the functioning of the governments of Florida and of the United States and undermines the public's confidence in our democratic institutions.

PARTIES

- 2. Complainant, J. Whitfield Larrabee (hereinafter "Larrabee"), is a resident of Massachusetts and is a licensed attorney.
- 3. Respondent Donald J. Trump (hereinafter "Trump") is a resident of New York. He is and was President of The Donald J. Trump Foundation (hereinafter "the Trump Foundation") at all relevant times.
- 4. Respondent Pamela Jo Bondi ("Bondi") is a resident of Florida. Bondi is a graduate of Stetson University Law School and is licensed to practice law in the State of Florida. She is presently the Florida Attorney General. She was the Florida Attorney General at all times relevant to this complaint.
- 5. The Trump foundation is a New York corporation, charity and non-profit with section 501(c)(3) status.

JURISDICTION

6. Federal jurisdiction in this case is based on evidence that Trump and Bondi participated in a bribery scheme in New York and Florida that crossed state lines, violated federal laws concerning tax exempt charitable organizations, and required the use of interstate telephone, mail, internet and banking facilities. There is probable cause to find that Trump and Bondi used the mail, telephone, internet and other interstate facilities with the intent to give and receive a bribe in violation of The Travel Act, 18 U.S.C. §§ 371 & 1952. There is also probable cause to find that Trump and Bondi engaged in mail fraud, wire fraud and conspiracy by carrying out a bribery scheme in which they knowingly, wilfully and with specific intent conspired to and actually did deprive Bondi's constituents of her honest services, in violation of 18 U.S.C. §§ 1341, 1343, and 1346.

FACTUAL AND LEGAL BASIS FOR THE COMPLAINT

- 7. There is probable cause to establish that on September 17, 2013, Donald Trump bribed Pamela Bondi, the Florida Attorney General, in violation of Sections 200.3 and 200.11 of the New York Penal Code, which prohibit the bribery of public servants, by his giving and her receiving of a bribe valued at over \$10,000.1
- 8. According to Bondi's political consultant Marc Reichelderfer, several weeks prior to September 13, 2013, Bondi spoke to Trump and personally solicited a campaign contribution from him.² It is very likely that this solicitation used the interstate telephone system. At the time Bondi solicited this campaign contribution, numerous complaints against Trump University and Trump Institute had been filed and were under review by the Florida Attorney General's office.
- 9. On September 13, 2013, the Orlando Sun Sentinel reported that a spokesperson at the office of the Attorney General of Florida announced that it was conducting a review of the allegations in a New York lawsuit against Trump University.³ At the time of the review, more than 20 Florida residents had filed complaints, alleging fraud and other

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³ Burnett, Richard, N.Y.'s Trump U Suit Draws Florida Official's Attention, Orlando Sentinel, September 13, 2013,

http://articles.orlandosentinel.com/2013-09-13/business/os-trump-institute-complaints-20130913 _1_trump-entrepreneur-initiative-trump-university-florida-attorney-general

unfair business practices, with the Attorney General's office against Trump University and the Trump Institute. Trump actively participated in promoting these businesses, he had a financial interest in each of these ventures, and it was in his financial and legal interest that the Florida Attorney General refrain from joining in or bringing litigation against, Trump, Trump University and the Trump Institute.

- 10. In addition to the complaints against Trump University and the Trump Institute that were filed with the Florida Attorney General's office, both before and after Bondi was elected, it very likely that numerous other Florida residents were aggrieved by Trump University or the Trump Institute but failed to file complaints with the Attorney General's Office.
- 11. On September 17, 2013, a political group backing Bondi's re-election, called And Justice for All, reported receiving a \$25,000 contribution from the Trump Foundation.⁴
- 12. On or before October 17, 2013, Jeane Meale, a spokeswoman for Bondi, indicated that Bondi's office would take no action against Trump University.⁵ Although her office conducted very little if any investigation of the complaints against Trump University and the Trump Institute, Bondi in fact elected not to join in New York litigation against Trump University, and her office made no further effort to initiate litigation against Trump University or the Trump Institute.⁶
- 13. Although there was sufficient evidence to bring litigation against Trump University and the Trump institute, to date Bondi has not initiated any litigation on behalf of the numerous Florida residents who filed complaints with the Florida Attorney General's office.

⁴ In transferring \$25,000 to the political committee supporting Bondi, it is very likely that the funds were transferred by the mails, and, through the use of interstate banking facilities, touched upon the interstate system of wires and fiber optic cables. In the unlikely event that the transfer of funds was made in cash and in person, it would require at least one of the parties to travel across state lines, an alternative basis to establish a violation of The Travel Act.

Van Sickler, Michael, <u>Trump contribution to Bondi re-election draws more scrutiny to her fundraising</u>, Tampa Bay Times, October 17, 2013 http://www.tampabay.com/news/politics/elections/trump-contribution-to-pam-bondis-re-election-draws-more-scrutiny-to-her/2147796

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Van Sickler, Michael, <u>Trump contribution to Bondi re-election draws more scrutiny to her fundraising</u>, Tampa Bay Times, October 17, 2013

- 14. Evidence strongly indicates that Bondi's decision not to initiate or participate in litigation against Trump University was given in exchange for Trump's contribution based on the short time period between the receipt of the political contribution and the announcement of Bondi's decision not to participate in the New York litigation. No more than 30 days after the \$25,000 payment was made, Bondi's spokeswoman announced that Bondi would take no action against Trump University and its affiliates. The timing of these events is substantial evidence of a *quid pro quo* in which Trump gave money to a political committee supporting Bondi's in exchange for Bondi's agreement not to take any action against Trump University.
- 15. Due to the obvious conflict of interest, it was dishonest, unethical and unlawful for Bondi to solicit and accept a political campaign donation from Donald Trump at a time when the Florida Attorney General's office was considering litigation against Trump University and had received numerous complaints against Trump University and its affiliates. Based on Bondi's legal knowledge, training and experience, it is very likely that she knowingly and intentionally disregarded this conflict of interest. Bondi's action in disregarding the conflict of interest is substantial evidence of her corrupt motives and intentions in soliciting and accepting the \$25,000 contribution from Trump.
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⁷ Spodak, Cassie, <u>Trump says Bush's fundraising means he's doing favors</u>, CNN Politics, July 17, 2015, http://edition.cnn.com/2015/07/16/politics/donald-trump-new-hampshire-jeb-bush/index.html

http://edition.eiiii.com/2015/07/10/pontics/donaid-trump-new-nampsime-jeo-ousii/index.html

⁸ C-SPAN broadcast, January 9, 2016, <u>Campaign Rally in Clear Lake Iowa</u>, https://www.youtube.com/watch?v=w-li1B4Ceb0

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- 17. In 2010, Richard Berlin, an Assistant Attorney General with the Texas Consumer Protection Division requested permission to file a lawsuit against Trump University, Trump and his business partners seeking more than \$5.4 million in penalties and restitution related to fraud and deceptive business practices. The suit was dropped by the office of Texas Attorney General Gregory Abbott. Former Texas Deputy Chief of Consumer Protection John Owens said the case was strong and had been dropped for political reasons. In 2013, Trump contributed \$35,000 to Attorney General Abbott in his campaign to be Governor of Texas. Gregory Abbott is presently the Governor of Texas. Trump has engaged in a pattern of corrupt influence peddling.
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- 20. Based on Bondi's legal knowledge, training and experience, it is very likely that Bondi knew that the contribution from the Trump Foundation was unlawful. Because Trump was the manager and President of the Trump Foundation, he had a fiduciary duty not to use the funds of the foundation for non-charitable purposes. Furthermore, as a seasoned manager of the foundation, it is also very likely that Trump knew that this contribution was illegal. Trump's and Bondi's participation in this illegal transaction is strong evidence of their corrupt motivations and intentions.

⁹ 26 U.S.C. § 501(c)(3) provides that charitable foundations may not "participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

Florida Statute ch. 106.08, § 5(a)(b), provides that: "Candidates, political committees, affiliated party committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good."

Only in 2016, years after accepting the contribution, did Bondi offer to return the illegal donation to the Trump Foundation, and this only occurred after negative media publicity concerning the improper transaction. And Justice For All offered to return, but never actually returned, funds to the Trump Foundation.

- 21. There is also probable cause to find that Trump has misappropriated funds of the Trump Foundation and that Bondi has illegally received, possessed and spent these misappropriated funds.
- 22. Based on admissions of Trump and Bondi, as well as the 2013 990-PF information form filed by the Trump Foundation with the Internal Revenue Service, it is established that \$25,000 in charitable funds from the Trump Foundation were paid to a political committee supporting Bondi (the 2013 990-PF incorrectly identified a non-profit with a similar name the recipient of the gift.) The false 990-PF appears to have been filed electronically by wire.
- 23. After the illegal contribution was discovered and publicly disclosed in the news media in March of 2016, Bondi's accountant announced that she had sent a check to the Trump Foundation to repay the funds. However, the Trump Foundation reported that it voided the check and did not accept the return of the funds.
- 24. Bondi violated New York law by spending and retaining funds received from the Trump Foundation.
- 25. Trump's and Bondi's misappropriation and conversion of the charitable funds of the Trump Foundation are evidence of their corrupt motivations and intentions.¹¹
- 26. There are reasonable grounds to suspect that Trump has committed tax fraud in violation of the laws of the United States in connection with his use of funds from the Trump Foundation. Funds contributed to charitable foundations are tax deductible. If Trump has deducted contributions to the Trump Foundation that were merely reimbursement of the illegal contribution to And Justice For All, then that deduction was fraudulent. In order to determine whether Donald Trump engaged in tax fraud, it is necessary to view the income tax returns of Trump and the Trump Organization. These tax returns have not been made public. If Trump engaged in tax fraud in connection with contributions to the Trump Foundation, or in connection with political contributions made by the Trump Foundation, then it is more likely that Trump's support for Bondi was corruptly motivated.

¹¹ Trump asserts that in 2016 he gave \$25,000 to the Trump Foundation to correct the error he previously made in giving \$25,000 in Trump Foundation money to the political committee called And Justice for All. Fahrenthold, David, <u>Trump camp says \$25,000 charity contribution to Florida AG was a mistake</u>, Washington Post, March 22, 2016; Steve Bosquet, Times Herald Tallahassee Bureau, June 8, 2016, http://www.tampabay.com/blogs/the-buzz-florida-politics/bondis-25000-trump-check-draws-ethics-and-bar-complaints/2280809

27. On June 12, 2016, Florida Governor Richard Scott (hereinafter Scott) said that he would not call for an independent investigation of the Trump Foundations \$25,000 contribution to the political committee supporting Bondi. 12 Common Cause of Florida, elected officials, the editorial boards of leading Florida newspapers, and Larrabee have requested Scott to appoint an independent investigator. However, Trump and Bondi are shielded from criminal investigation in Florida, unless there is a federal intervention, because Bondi is the highest law enforcement officer in Florida, and both she and Trump enjoy the protection of Scott. Bondi is a campaign surrogate for Trump. 13 Scott has endorsed and campaigned on behalf of Trump. The Tampa Bay Times reported that Trump has contributed at least \$100,000 to Scott's political committee. The extremely close political connections between Trump, Bondi and Scott create a conflict of interest and make it extremely unlikely that Florida law enforcement officials can or will conduct an independent and impartial inquiry. It is likely that Trump and Bondi violated the United States' anti-bribery laws in both Florida and New York. Therefore, it is necessary and appropriate for United States officials to initiate a criminal investigation and to bring criminal charges against Trump and Bondi.

WHEREFORE, the complainant demands:

- A. a full, fair and impartial investigation;
- B. presentation of the relevant evidence to a federal grand jury:
- C. indictments against Trump and Bondi based on their use of the mail, telephone and other interstate facilities with the intent to give and receive a bribe in violation of The Travel Act, 18 U.S.C. §§ 371 & 1952;
- D. indictments against Trump and Bondi based on mail fraud, wire fraud and conspiracy by carrying out a bribery scheme in which they knowingly, wilfully and with specific intent conspired to and actually did deprive Bondi's constituents of her honest services, in violation of 18 U.S.C. §§ 1341, 1343, and 1346;
- E. such other relief as is just, equitable or proper.

Welsch, Catherine, Gov. Rick Scott: Calls To Investigate Bondi Are Partisan Politics, 90.7 WFME Local News, June 10, 2016,

https://www.wmfe.org/gov-rick-scott-calls-to-investigate-bondi-are-partisan-politics/60780

¹³ Acosta, Jim, <u>Trump Orders Surrogates To Keep Criticizing Judge, Sources Say, CNN, http://edition.cnn.com/2016/06/06/politics/donald-trump-gonzalo-curiel-trump-university/</u>

Respectfully submitted,

J. Whitfield Larrabele

J. Whitfield Larrabee Law Office of J. Whitfield Larrabee 251 Harvard Street, Suite 9 Brookline, MA 02446 jwlarrabee@verizon.net (617) 566-3670 BBO # 553499

CERTIFICATE OF SERVICE AND FILING

I, J. Whitfield Larrabee, hereby certify that on June 29, 2016, I filed this complaint mailing it to Honorable Christopher P. Canova, Acting U. S. Attorney For Northern Dist. of Florida, Tallahassee Headquarters, 111 North Adams Street, 4th Floor U.S. Courthouse Tallahassee, FL 32301. A duplicate of the complaint was also mailed to Raymond Hulser, Esq. Chief, Public Integrity Section, Department of Justice, Criminal Division, Bond Building, 12th Floor, 1400 New York Avenue, N.W., Washington, D.C. 20005.

J. Whitfield Larrabee

J. Whitfield Lanabee

EXHIBIT "A"

New York Penal Code § 200.03

Bribery in the second degree.

A person is guilty of bribery in the second degree when he confers, or offers or agrees to confer, any benefit valued in excess of ten thousand dollars upon a public servant upon an agreement or understanding that such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribery in the second degree is a class C felony.

New York Penal Code § 200.11

Bribe receiving in the second degree.

A public servant is guilty of bribe receiving in the second degree when he solicits, accepts or agrees to accept any benefit valued in excess of ten thousand dollars from another person upon an agreement or understanding that his vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribe receiving in the second degree is a class C felony.

LAW OFFICES OF

J. WHITFIELD LARRABEE

TRIAL AND APPELLATE LAWYERS 251 HARVARD STREET, SUITE 9 BROOKLINE, MASSACHUSETTS 02445

> TELEPHONE: (617) 566-3670 FACSIMILE: (617) 507-6435 JW.LARRABEE@VERIZON.NET

> > June 29, 2016

Honorable Eric T. Schneiderman Attorney General for the State of New York New York State Department of Law, Charities Bureau 120 Broadway - 3rd Floor New York, NY 10271

Re: Complaint Against Donald J. Trump, the Donald J. Trump Foundation and Florida Attorney General Pamela Bondi

Dear Attorney General Schneiderman:

Enclosed please find a complaint against Donald J. Trump, the Donald J. Trump Foundation and Pamela Jo Bondi. This complaint concerns the bribery of a public servant in violation of Sections 200.3 and 200.11 of the New York Penal Code. The complaint also concerns misappropriation, conversion, and illegal expenditure of money held by a New York based charitable foundation with sec. 501(c)(3) status.

Thank you for your time and consideration of these matters.

Very truly yours,

J. Whitfield Larrabee

J. Whitfield Lanabele

JWL/hg

cc: Office of the Attorney General The Capital

Albany, NY 12224-0341

NEW YORK STATE DEPARTMENT OF LAW CHARITIES BUREAU

120 Broadway - 3rd Floor New York, NY 10271 http://www.charitiesnys.com

ERIC T. SCHNEIDERMAN Attorney General

COMPLAINT/INQUIRY FORM

The Charities Bureau has jurisdiction to investigate complaints that involve 1) wrongdoing by charitable corporations, trusts or other nonprofit organizations; 2) fraudulent or misleading solicitation and improper expenditure of money for charitable purposes; and 3) improper activities of executors, administrators, trustees and personal representatives responsible for honoring pledges or bequests to a charity. This Bureau generally does not become involved in governance disputes within nonprofit organizations. The Bureau also responds to general inquiries concerning matters within its jurisdiction.

INSTRUCTIONS:	 Please TYPE or PRINT cle Please complete the entire Please enclose copies of a 		omplaint or inquiry.
1. Your Contact In	formation:		
Name: J. Whitfield L	arrabee		
Address: 251 Harva	ard Street, Suite 9, Brookline, MA	02446	
Home phone numb	er:Bı	Business phone number: 617.566.3670	
Fax number:	E	mail address: <u>JW.LARRABEE@</u>	@VERIZON.NET
complaining or in	-	for the organization and/or i	ndlviduals about whom yo
		rossways Park Dr., Suite 301, Wood	dbury, NY 11797
		Organization email address: in	
Individual Name	Individual Title/Position	Individual Address	Individual Phone No.
Donald J. Trump	President/Manager	C/O The Trump Organization	212.836.3207
		725 5th Avenue, New York, N	Y 10022
Pamela Jo Bondi	Florida Attorney General	State of Florida, PL-01, The C	apital 850.414.3990

3. Details of your co sheets if necessary).	omplaint or inquiry (Please in	clude as much specific detail a	es possible- continue on additiona
Enclosed please find a fo	ormal complaint setting forth detaile	d allegations against the respondent	s.
		,	
4. If you have any d copies of them.	ocuments in your possessio	n that relate to your compla	int or inquiry, please attach
5. Have you submit If "yes," what was its	ted your complaint or inquir response?	y to the organization? yes 🗔	(no □
I requested that Governo	r Richard Scott appoint an independ	lent counsel to investigate the matte	r. He has declined to do so.
6. Have you submit	ted your complaint or inquir	y to any other government a	gency? yes ⋤ no □
If "yes," please list th	e name of the agency, addres	s, telephone number and name	e of any person contacted.
Agency	Contact Person	Address	Phone No.
Florida Division of Elec	ctions not known 500 S. Bronough	1 St., 3rd Fl., Tallahassee, FL 3230	1 850.245.6200
Florida Ethics Commiss	sion not known PO Drawer 15709	9, Tallahassee, FL 32317	850.488.7864
Florida Bar	not known 651 East Jefferson	n Street, Tallahasse, FL 32399	866.352.0707
	pending? yes □ no བྲ de the name, title and index nu	imber of the proceeding and th	e name and location of the
	nddresses and telephone nui his complaint or inquiry.	mbers of any other individua	Is who may have knowledge
Name Address Pho	ne No. See enclosed complain	t liner identifying potential witness	es.
	objection to the contents of this agency? yes □ no ☒	s complaint or inquiry being for	warded to or discussed with
-	objection to your name and/or on who is the subject of this co	_	r discussed with the
Objection to Name a	and Address:yes □ no ঢ়(only:yes □ no ロX		
to protect the publ	ral is not your private attorn ic and charities from mislead ersonal legal rights or respo	ling or unlawful practices. If	you have any questions
J- Whitfield	Xarrabee J. Whit	field Larrabee 6.	128/16

CHAR030 (rev. 12/10)

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK NEW YORK STATE DEPARTMENT OF LAW - CHARITIES BUREAU

IN THE MATTER OF:)	COMPLAINT NO.
)	
DONALD J. TRUMP,)	
THE DONALD J. TRUMP FOUNDATION	1)	
AND PAMELA JO BONDI,)	
)	
Respondents)	
•)	

COMPLAINT

INTRODUCTION

1. This is a complaint for violations of Sections 200.3 and 200.11 of the New York Penal Code prohibiting the bribery of public servants. The complaint is based on probable cause that the Respondents, Donald J. Trump and Pamela Jo Bondi, committed felony violations of New York law by his giving and her receiving of a bribe valued at over \$10,000.¹ This is also a complaint for misappropriation and conversion of the funds of a New York charitable foundation based on probable cause that charitable funds were used to bribe a public official and were illegally given to a political campaign fund.

PARTIES

- 2. Complainant, J. Whitfield Larrabee (hereinafter "Larrabee"), is a resident of Massachusetts and is a licensed attorney.
- 3. Respondent Donald J. Trump (hereinafter "Trump") is a resident of New York. He is and was President of The Donald J. Trump Foundation (hereinafter "the Trump Foundation") at all relevant times. Trump was and is a fiduciary of the Trump Foundation.
- 4. Respondent Pamela Jo Bondi ("Bondi") is a resident of Florida. Bondi is a graduate of Stetson University Law School and is licensed to practice law in the State of Florida. She is presently the Florida Attorney General. At all times relevant to this complaint, she was the Florida Attorney General.
- 5. The Trump Foundation is a New York corporation, charity and non-profit with section 501(c)(3) status.

Sections 200.3 and 200.11 of the New York Penal Code are set forth in Exhibit "A."

JURISDICTION

6. As the highest ranking law enforcement officer in the State of New York, the Attorney General's office has jurisdiction to convene a grand jury and to enforce the New York Penal Code. The Charities Bureau of the Attorney General's office has jurisdiction over complaints that involve 1) wrongdoing by charitable foundations; 2) improper expenditure of money for charitable purposes; and 3) improper activities of fiduciaries of a charitable organization.

FACTUAL AND LEGAL BASIS FOR THE COMPLAINT

- 7. There is probable cause to establish that on September 17, 2013, Donald Trump bribed Pamela Bondi, the Florida Attorney General, in violation of Sections 200.3 and 200.11 of the New York Penal Code, which prohibit the bribery of public servants, by his giving and her receiving of a bribe valued at over \$10,000.2
- 8. According to Bondi's political consultant Marc Reichelderfer, several weeks prior to September 13, 2013, Bondi spoke to Trump and personally solicited a campaign contribution from him.³ It is very likely that this solicitation used the interstate telephone system. At the time Bondi solicited this campaign contribution, numerous complaints against Trump University and Trump Institute had been filed and were under review by the Florida Attorney General's office.
- 9. On September 13, 2013, the Orlando Sun Sentinel reported that a spokesperson at the office of the Attorney General of Florida announced that it was conducting a review of the allegations in a New York lawsuit against Trump University. At the time of the review, more than 20 Florida residents had filed complaints, alleging fraud and other unfair business practices, with the Attorney General's office against Trump University and the Trump Institute. Trump actively participated in promoting these businesses, he had a financial interest in each of these ventures, and it was in his financial and legal interest that the Florida Attorney General refrain from joining in or bringing litigation against Trump, Trump University and the Trump Institute.

² Sections 200.3 and 200.11 of the New York Penal Code are set forth in Exhibit "A."

³ Fineout, Gary, et al, <u>Florida AG asked Trump for donation before nixing fraud case</u>, Associated Press, Jun. 6, 2016, http://bigstory.ap.org/article/e16a8223c24048d290883370dc6abe5b/florida-ag-asked-trump-dona tion-nixing-fraud-case

⁴ Burnett, Richard, N.Y.'s Trump U Suit Draws Florida Official's Attention, Orlando Sentinel, September 13, 2013, http://articles.orlandosentinel.com/2013-09-13/business/os-trump-institute-complaints-20130913 1 trump-entrepreneur-initiative-trump-university-florida-attorney-general

- 10. In addition to the complaints against Trump University and the Trump Institute that were filed with the Florida Attorney General's office, both before and after Bondi was elected, it very likely that numerous other Florida residents were aggrieved by Trump University or the Trump Institute but failed to file complaints with the Attorney General's Office.
- 11. On September 17, 2013, a political group backing Bondi's re-election, called And Justice for All, reported receiving a \$25,000 contribution from the Trump Foundation.
- 12. On or before October 17, 2013, Jeane Meale, a spokeswoman for Bondi, indicated that Bondi's office would take no action against Trump University.⁵ Although her office conducted very little if any investigation of the complaints against Trump University and Trump Institute, Bondi in fact elected not to join in New York litigation against Trump University, and her office made no further effort to initiate litigation against Trump University or the Trump Institute.⁶
- 13. Although there was sufficient evidence to bring litigation against Trump University and the Trump institute, to date Bondi has not initiated any litigation on behalf of the numerous Florida residents who filed complaints with the Florida Attorney General's office.
- 14. Evidence strongly indicates that Bondi's decision not to initiate or participate in litigation against Trump University was given in exchange for Trump's contribution based on the short time period between the receipt of the political contribution and the announcement of Bondi's decision not to participate in the New York litigation. No more than 30 days after the \$25,000 payment was made, Bondi's spokeswoman announced that Bondi would take no action against Trump University and its affiliates. The timing of these events is substantial evidence of a *quid pro quo* in which Trump gave money to a political committee supporting Bondi's in exchange for Bondi's agreement not to take any action against Trump University.

⁵ Van Sickler, Michael, <u>Trump contribution to Bondi re-election draws more scrutiny to her fundraising</u>, Tampa Bay Times, October 17, 2013 http://www.tampabay.com/news/politics/elections/trump-contribution-to-pam-bondis-re-election-draws-more-scrutiny-to-her/2147796

⁶ Fineout, Gary, et al, <u>Florida AG asked Trump for donation before nixing fraud case</u>, Associated Press, Jun. 6, 2016

Van Sickler, Michael, <u>Trump contribution to Bondi re-election draws more scrutiny to her fundraising</u>, Tampa Bay Times, October 17, 2013

- 15. Due to the obvious conflict of interest, it was dishonest, unethical and unlawful for Bondi to solicit and accept a political campaign donation from Donald Trump at a time when her office was considering litigation against Trump University and had received numerous complaints against Trump University and its affiliates. Based on Bondi's legal knowledge, training and experience, it is very likely that she knowingly and intentionally disregarded this conflict of interest. Bondi's action in disregarding the conflict of interest is substantial evidence of her corrupt motives and intentions in soliciting and accepting the \$25,000 contribution from Trump.
- 16. Trump has publicly declared that he gives political contributions to elected officials in exchange for political favors. On July 16, 2016, while campaigning in Laconia, New Hampshire, Trump spoke about Jeb Bush's fundraising. He stated: "He raises 100 million, so what does 100 million mean? 100 million means he's doing favors for so many people, it means lobbyists, it means special interests, it means donors...Who knows it better than me? I give to everybody. They do whatever I want. It's true." On January 9, 2016, at a campaign rally in Clear Lake Iowa, which was broadcast on C-SPAN, Trump boasted: "You know, it's interesting. I was looking at the ones I'm running against. I've contributed to most of them -- can you believe it? I've contributed to most of them. And one of them said, No, I don't think you've contributed to me. They found out I did. I contribute to everybody. I've given to Democrats. I've given to Hillary. I've given to everybody, because that was my job. I've got to give to them. because when I want something I get it. When I call, they kiss my ass. It's true. They kiss my ass. It's true."8 Trump's public statements are compelling evidence of his corrupt motivations and intentions.
- 17. In 2010, Richard Berlin, an Assistant Attorney General with the Texas Consumer Protection Division requested permission to file a lawsuit against Trump University, Trump and his business partners seeking more than \$5.4 million in penalties and restitution related to fraud and deceptive business practices. The case was dropped by the office of Texas Attorney General Gregory Abbott in 2010. Former Texas Deputy Chief of Consumer Protection John Owens said that the case was strong and had been dropped for political reasons. In 2013, Trump contributed \$35,000 to Attorney General Abbott in his campaign to be governor. Gregory Abbott is presently the Governor of Texas. Trump has engaged in a pattern of corrupt influence peddling related to Trump University.

⁷ Spodak, Cassie, <u>Trump says Bush's fundraising means he's doing favors</u>, CNN Politics, July 17, 2015, http://edition.cnn.com/2015/07/16/politics/donald-trump-new-hampshire-jeb-bush/index.html

⁸ C-SPAN broadcast, January 9, 2016, <u>Campaign Rally in Clear Lake Iowa</u>, https://www.youtube.com/watch?v=w-li1B4Ceb0

York, Byron, <u>Trump on buying politicians</u>, 'When I call, they kiss my ass', Washington Examiner, January 10, 2016, http://www.washingtonexaminer.com/trump-on-buying-politicians-when-i-call-they-kiss-my-ass/article/2580063

- 18. Under the laws of the United States and Florida, it is unlawful for a charitable foundation to contribute funds to a political action committee, and it is unlawful for a political action committee to accept such a contribution.⁹
- 19. As a 501(c)(3) organization, the Trump Foundation is strictly prohibited from making financial or in-kind political contributions. Notwithstanding this prohibition, Trump arranged for the Trump Foundation to make a \$25,000 contribution to a political committee supporting Bondi. The committee, with Bondi's knowledge and agreement, accepted this donation.¹⁰
- 20. Based on Bondi's legal knowledge, training and experience, it is very likely that Bondi knew that the contribution from the Trump Foundation was unlawful. Because Trump was the manager and President of the Trump Foundation, he had a fiduciary duty not to use the funds of the foundation for non-charitable purposes. Furthermore, as a seasoned manager of the foundation, it is also very likely that Trump knew that this contribution was illegal. Trump's and Bondi's participation in this illegal transaction is strong evidence of their corrupt motivations and intentions.
- 21. There is also probable cause to find that Trump has misappropriated funds of the Trump Foundation and that Bondi has illegally received, possessed and spent these misappropriated funds. Based on admissions of Trump and Bondi, as well as the 2013 990-PF information form filed by the Trump Foundation with the Internal Revenue Service, it is established that \$25,000 in charitable funds from the Trump Foundation were paid to political committee supporting Bondi.
- 22. After the illegal contribution was publicly disclosed in the news media in March of 2016, Bondi's accountant announced that she had sent a check to the Trump Foundation to repay the funds.

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Florida Statute ch. 106.08, § 5(a)(b), provides that: "Candidates, political committees, affiliated party committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good."

Only in 2016, years after accepting the contribution, did Bondi offer to return the illegal donation to the Trump Foundation, and this only occurred after negative media publicity concerning the improper transaction. Bondi and "And Justice For All" offered to return, but never actually returned, funds to the Trump Foundation.

- 23. However, the Trump Foundation reported that it voided the check and did not accept return of the funds. Bondi violated New York law by accepting, spending and retaining funds received from the Trump Foundation.¹¹
- 24. Based on admissions of Trump and Bondi, as well as the 2013 990-PF information form filed by the Trump Foundation with the Internal Revenue Service, it is established that \$25,000 in charitable funds from the Trump Foundation were paid to a political committee supporting Bondi (the Trump Foundation's 2013 990-PF fraudulently identified a non-profit with a similar name the recipient of the gift.)
- 25. Bondi violated New York law by spending and retaining funds received from the Trump Foundation.
- 26. Trump's and Bondi's misappropriation and conversion of the charitable funds of the Trump Foundation are evidence of their corrupt motivations and intentions.
- 27. There are reasonable grounds to suspect that Trump has committed tax fraud in violation of the laws of New York in connection with his use of funds from the Trump Foundation. Funds contributed to charitable foundations are tax deductible. If Trump has deducted contributions to the Trump Foundation that were merely reimbursement of the illegal contribution of Trump Foundation funds to And Justice For All, then that deduction was fraudulent. In order to determine whether Donald Trump engaged in tax fraud, it is necessary to view the income tax returns of Trump and the Trump Organization. These tax returns have not been made public. If Trump engaged in tax fraud in connection with contributions to the Trump Foundation, or in connection with political contributions made by the Trump Foundation, then it is more likely that Trump's support for Bondi was corruptly motivated.

Trump asserts that in 2016 he gave \$25,000 to the Trump Foundation to correct the error he previously made in giving \$25,000 in Trump Foundation money to the political committee called And Justice for All. Fahrenthold, David, Trump camp says \$25,000 charity contribution to Florida AG was a mistake, Washington Post, March 22, 2016; Steve Bosquet, Trump Check Draws Ethics And Bar Complaints, Times Herald Tallahassee Bureau, June 8, 2016, http://www.tampabay.com/blogs/the-buzz-florida-politics/bondis-25000-trump-check-draws-ethics-and-bar-complaints/2280809. Trump's action and the statement of his aids indicate that Trump used the Trump Foundation as an illegal conduit for campaign contributions.

28. On June 12, 2016, Florida Governor Richard Scott (hereinafter "Scott") said that he would not call for an independent investigation of the Trump Foundation's \$25,000 contribution to the political committee supporting Bondi. ¹² Common Cause of Florida. elected officials, the editorial boards of leading Florida newspapers, and Larrabee have requested Scott to appoint an independent investigator. However, Trump and Bondi are shielded from criminal investigation in Florida, unless there is a federal intervention, because Bondi is the highest law enforcement officer in Florida, and both she and Trump enjoy the protection of Scott. Bondi is a campaign surrogate for Trump. 13 Scott has recently endorsed and campaigned on behalf of Trump. The Tampa Bay Times reported that Trump has contributed at least \$100,000 to Scott's political committee. The extremely close political connections between Trump, Bondi and Scott create a conflict of interest and make it extremely unlikely that Florida law enforcement officials can or will conduct an independent and impartial inquiry. It is very likely that Trump and Bondi violated New York and Florida anti-bribery laws. Therefore, it is necessary and appropriate for the New York Attorney General to initiate a criminal investigation, to convene a grand jury and to bring criminal charges against Trump and Bondi.

WHEREFORE, the complainant demands:

- A. a full, fair and impartial investigation;
- B. presentation of the relevant evidence to a New York grand jury:
- C. an indictment against Trump based on the giving of a bribe valued over \$10,000 to a public servant, in violation of New York Penal Code § 200.03;
- D. an indictment against Bondi based on the receiving of a bribe valued over \$10,000 by a public servant, in violation of New York Penal Code § 200.11;
- E. that Bondi be ordered to pay restitution, in the amount of \$25,000, to the Trump Foundation:
- F. that the Trump Foundation be ordered to accept payment of the restitution;
- G. that Bondi and Trump be fined in an appropriate sum for the misappropriation and conversion of charitable funds;
- H. such other relief as is just, lawful, equitable or proper.

Welsch, Catherine, Gov. Rick Scott: Calls To Investigate Bondi Are Partisan Politics, 90.7 WFME Local News, June 10, 2016,

https://www.wmfe.org/gov-rick-scott-calls-to-investigate-bondi-are-partisan-politics/60780

¹³ Acosta, Jim, <u>Trump Orders Surrogates To Keep Criticizing Judge, Sources Say, CNN, http://edition.cnn.com/2016/06/06/politics/donald-trump-gonzalo-curiel-trump-university/</u>

Respectfully submitted,

J. Whitfield Larrabele

J. Whitfield Larrabee Law Office of J. Whitfield Larrabee 251 Harvard Street, Suite 9 Brookline, MA 02446 jwlarrabee@verizon.net (617) 566-3670 BBO # 553499

CERTIFICATE OF SERVICE AND FILING

I, J. Whitfield Larrabee, hereby certify that on June 29, 2016, I filed this complaint with the Attorney General for the State of New York, New York State Department of Law, Charities Bureau via emailing the same to charities.bureau@ag.ny.gov, and further by mailing a duplicate to Honorable Eric T. Schneiderman, Attorney General for the State of New York, New York State Department of Law, Charities Bureau, 120 Broadway - 3rd Floor, New York, NY 10271 and by mailing to a duplicate to Office of the Attorney General, The Capital, Albany, NY 12224-0341.

J. Whitfield Larrabee

J. Whitfield Lanabele

EXHIBIT "A"

New York Penal Code § 200.03

Bribery in the second degree.

A person is guilty of bribery in the second degree when he confers, or offers or agrees to confer, any benefit valued in excess of ten thousand dollars upon a public servant upon an agreement or understanding that such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribery in the second degree is a class C felony.

New York Penal Code § 200.11

Bribe receiving in the second degree.

A public servant is guilty of bribe receiving in the second degree when he solicits, accepts or agrees to accept any benefit valued in excess of ten thousand dollars from another person upon an agreement or understanding that his vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.

Bribe receiving in the second degree is a class C felony.