

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK  
 ----- x  
 UNITED STATES OF AMERICA :  
 - v. - :  
 TODD HOWE, :  
 Defendant. :  
 ----- x

USDC SDNY  
 DOCUMENT  
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 INFORMATION

16 Cr. (RMB)

**16 CRIM 632**

COUNT ONE

(Conspiracy to Commit Honest Services Fraud)

The United States Attorney charges:

1. From at least in or about 2010, up to and including in or about 2016, in the Southern District of New York and elsewhere, TODD HOWE, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1343 and 1346.

2. It was a part and an object of the conspiracy that TODD HOWE, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and to deprive the public of its intangible right to the honest services of a high-level official ("CC-1") in the Office of the Governor of the State of New York, would and did transmit and cause to be transmitted by

JUDGE BERMAN

means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, and attempting to do so, in violation of Title 18, United States Code, Sections 1343 and 1346, to wit, HOWE agreed with CC-1 and others to use the power and influence of CC-1's official position to obtain for CC-1 thousands of dollars in bribes in exchange for taking favorable official action for certain companies that HOWE represented as a consultant.

(Title 18, United States Code, Section 1349.)

COUNT TWO

**(Conspiracy to Commit Extortion Under Color of Official Right)**

The United States Attorney further charges:

3. From at least in or about 2010, up to and including in or about 2016, in the Southern District of New York and elsewhere, TODD HOWE, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1951.

4. It was a part and object of the conspiracy that TODD HOWE, the defendant, and others known and unknown, willfully and knowingly, would and did obstruct, delay, and

affect commerce and the movement of articles and commodities in commerce by extortion as that term is defined in Title 18, United States Code, Section 1951, to wit, TODD HOWE and others known and unknown would and did arrange for entities with business before New York State to direct payments to CC-1 in exchange for CC-1's taking of official action on their behalf.

(Title 18, United States Code, Section 1951).

**COUNT THREE**

**(Extortion Under Color of Official Right)**

The United States Attorney further charges:

5. From at least in or about 2010, up to and including in or about 2016, in the Southern District of New York and elsewhere, TODD HOWE, the defendant, willfully and knowingly would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by extortion as that term is defined in Title 18, United States Code, Section 1951, to wit, HOWE aided and abetted CC-1 by helping CC-1 obtain payments from entities with business before New York State in exchange for CC-1's taking of official action on their behalf.

(Title 18, United States Code, Sections 1951 and 2).

COUNT FOUR

(Conspiracy to Commit Wire Fraud)

The United States Attorney further charges:

6. From at least in or about 2013, up to and including in or about 2015, in the Southern District of New York and elsewhere, TODD HOWE, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud in violation of Section 1343 of Title 18, United States Code.

7. It was a part and an object of the conspiracy that TODD HOWE, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, HOWE and his co-conspirators devised a scheme to defraud an entity charged with awarding significant

taxpayer-funded development contracts by secretly tailoring the entity's requests for proposals for those projects so that the requests for proposals required qualifications held by companies that had retained and paid HOWE as a consultant, and thus virtually ensured that HOWE's clients were awarded the contracts.

(Title 18, United States Code, Section 1349.)

COUNT FIVE

(Wire Fraud)

The United States Attorney further charges:

8. In or about 2013, up to and including in or about 2015, in the Southern District of New York and elsewhere, TODD HOWE, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, HOWE devised a scheme to defraud an entity charged with awarding significant taxpayer-funded development contracts by secretly tailoring the entity's requests for

proposals for those projects so that the requests for proposals required qualifications held by companies that had retained and paid HOWE as a consultant, and thus virtually ensured that HOWE's clients were awarded the contracts.

(Title 18, United States Code, Sections 1343 and 2.)

**COUNT SIX**

**(Conspiracy to Commit Bribery)**

The United States Attorney further charges:

9. From at least in or about 2013, up to and including in or about 2015, in the Southern District of New York and elsewhere, TODD HOWE, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 666(a)(1)(B).

10. It was a part and an object of the conspiracy that TODD HOWE, the defendant, an agent, employee, officer, and representative of a state government and agency thereof, to wit, the State University of New York, Colleges of Nanoscale Science and Engineering, knowingly and corruptly would and did solicit and demand for the benefit of a person, and accept and agree to accept, something of value from others known and unknown, intending to be influenced and rewarded in connection with a

business, transaction, and series of transactions of such government and agency involving something of value of \$5,000 and more, said government and agency receiving, in a one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance and other form of Federal assistance, in violation of Title 18, United States Code, Section 666 (a) (1) (B).

Overt Act

11. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed:

a. On or about September 6, 2013, TODD HOWE, the defendant, without authorization, forwarded an email containing a power point presentation regarding, among other things, the location and purpose of a potential taxpayer-funded construction project, to a real estate development company that had retained and paid HOWE as a consultant.

(Title 18, United States Code, Section 371.)

COUNT SEVEN

(Wire Fraud)

The United States Attorney charges:

12. From at least in or about 2009 through in or about 2016, in the Northern District of New York, the District of Columbia, and elsewhere, TODD HOWE, the defendant, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, willfully and knowingly, and for the purpose of executing such scheme, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, HOWE engaged in a scheme to defraud his former employer, a government relations firm (the "Government Relations Firm") by (a) depositing checks intended for the Government Relations Firm, without the firm's authorization, into an account only he controlled, and (b) falsely claiming to having incurred travel expenses in relation to work associated with certain clients of the Government Relations Firm and then seeking reimbursement from those clients



for those fraudulent expenses.

(Title 18, United States Code, Section 1343.)

**COUNT EIGHT**

**(Tax Evasion)**

The United States Attorney further charges:

13. From on or about January 1 of each of the calendar years 2010 through 2015, through on or about the filing date for each calendar year, in the Eastern District of Virginia, the Northern District of New York and elsewhere, TODD HOWE, the defendant, willfully and knowingly did attempt to evade and defeat the payment of a substantial part of the income tax due and owing by HOWE to the United States of America for the calendar years 2010 through 2015, by various means, including, among other things, preparing and causing to be prepared, signing and causing to be signed, and filing and causing to be filed, false and fraudulent U.S. Individual Income Tax Returns, Forms 1040, for the calendar years 2010 through 2015, which returns falsely omitted substantial income obtained in part from a scheme devised by HOWE to defraud the Government Relations Firm, and thereby substantially understating HOWE's

total income, adjusted gross income, taxable income, and tax due and owing each year.

(Title 26, United States Code, Sections 7201.)

**Forfeiture Allegation**

14. As a result of committing the offenses charged in Counts One through Seven of this Information, TODD HOWE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), and Title 28, United States Code, Section 2461, any and all property, real and personal, that constitutes or is derived from proceeds traceable to said offenses, including but not limited to a sum of United States currency representing the amount of the proceeds traceable to the commission of the charged offenses.

**Substitute Asset Provision**

15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



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PREET BHARARA ADG  
United States Attorney

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TODD HOWE,

Defendant.

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(18 U.S.C. §§ 371, 1343, 1349,  
1951, and 2; 26 U.S.C. § 7201.)

PREET BHARARA

United States Attorney.

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