



First Friday Fraud Facts+

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The Idaho State Controller's Office distributes this newsletter as a public service and as a cost-effective method of increasing awareness about ways to detect and prevent fraud, waste, and abuse in government.

Bribery¹

Bribery is one of the most common crimes to be encountered in terms of government corruption. It is a crime based on the misuse of power. However, the issue of bribery and its role in government is very complex, as many in the upper echelons believe that they can get away with acts of bribery without being caught. As a result, bribery has become somewhat intrinsic to many forms of government.

It is such a common crime because it is so obvious. Based on one of the simplest ideas inherent to human interaction: quid pro quo, "this for that". As bribery is essentially just an exchange, in which one individual promises to use his power for the benefit of another in exchange for some good or service. The insidiousness of the problem is such that, though easily foreseen, it is also very hard to detect.



Most Prevalent and the Reason Why²:

- Campaign contributions — contributions made with the expectancy of some sort of reciprocation
- Lobbying system — quid pro quo contributions to achieve the outcome of their desire
- "Pay to Play" — one must pay some amount of money to obtain government contracts or other benefits. Although legal, the issue becomes criminal when pay to play comes directly from solicitations and actions on the part of government officials (i.e. Illinois Governor Rod Blagojevich's attempt to sell Obama's vacated Senate seat)

Difficulty in Addressing a Bribe²

Though easily acknowledged as an undesirable, damaging practice, bribery is very difficult to remove or reduce because of its nature. After all, how does one ensure that the individual who is meant to be enforcing government regulations against the bribe is not simultaneously taking bribes to ignore the illegal practices of others? If the system which is used to fight the problem is also often the source of the problem, then correcting the problem would appear to be highly difficult.

The most obvious and clear method of combating bribes is greater public knowledge and reporting of government business. The power of public will and opinion, when accurate, could become the primary means by which to address a bribe and other forms of corruption. This could ultimately result in

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the public's demand of fundamental governmental shift, whether by electing new officials or even by instituting a new government.

Idaho Statutes³:

1. 18-1351. Bribery and corrupt practices — Definitions
2. 18-1352. Bribery in official and political matters

Case: Former Illinois Governor Rod R. Blagojevich Sentenced to 14 Years in Prison for Corruption in Office⁴

Former Illinois Gov. Rod R. Blagojevich, a lawyer and former state prosecutor, state legislator, and U.S. Representative, was arrested on Dec. 9, 2008, while serving his second term as governor. He was accused of using his office in numerous matters involving state appointments, business, legislation and pension fund investments to seek or obtain such financial benefits as money, campaign contributions, and employment for himself and others, in exchange for official actions, including trying to leverage his authority to appoint a United States Senator to replace then President-Elect Obama.

He was sentenced on December 7, 2011 to 14 years in federal prison following his conviction at trials in 2010 and 2011 on 18 felony counts of corruption during his tenure as governor, including his effort in 2008 to illegally trade the appointment of a United States Senator in exchange for \$1.5 million in campaign contributions or other personal benefits. Blagojevich was also sentenced for shaking down the chief executive of a children's hospital for \$25,000 in campaign contributions in exchange for implementing an increase to pediatric reimbursement rates; holding up the signing of a bill to benefit the Illinois horse racing industry in an attempt to illegally obtain \$100,000 in campaign contributions; and lying to the FBI in 2005.

Blagojevich turned 55 on Dec. 10, three days after his sentencing, was ordered to surrender to the U.S. Bureau of Prisons on Feb. 16, 2012, to begin serving his sentence. The prison term is the longest-ever imposed on a former governor in the Northern District of Illinois. The judge imposed a fine of \$20,000 and two years of supervised release after incarceration. Blagojevich also must pay a special assessment of \$1,800, or \$100 on each count of conviction.

Case: Former Opa Locka City Commissioner Sentenced for Role in Corruption Scheme⁴

Former City of Opa Locka Commissioner Luis Santiago was sentenced on February 22, 2018 by United States District Judge Kathleen M. Williams, for his participation in a two-year long bribery and extortion. Santiago had pled guilty previously and admitted to conspiring with former Opa Locka City Manager David Chiverton, former Opa Locka Assistant Public



Works Director Gregory Harris, and others to use their official positions and authority with the City of Opa Locka to solicit, demand, and obtain thousands of dollars in illegal cash payments from businesses and individuals in exchange for taking official actions to assist and benefit those businesses and individuals in their dealings with the City of Opa Locka.

In exchange for the illegal payments from businesses and individuals, Santiago and an associate directed and pressured City of Opa Locka officials and employees, including Chiverton and Harris, to assist them by issuing occupational licenses; waiving, removing, and settling code enforcement matters and liens; initiating, restoring and continuing water service; and assisting with zoning issues. Santiago would sometimes pay Chiverton for this assistance, and on occasion would tell the businesses and individuals to pay Chiverton directly in exchange for these official actions.

Santiago was sentenced to a term of 51 months in prison, to be followed by three years of supervised release. Santiago's sentence also included restitution and an order of forfeiture, along with the imposition of a \$100 special assessment. Santiago was the fourth person to date convicted and sentenced as part of the ongoing federal investigation into Opa Locka municipal corruption being led by the FBI's Public Corruption Task Force and the United States Attorney's Office, with assistance from the Internal Revenue Service – Criminal Investigation (IRS-CI).

Citations

- ¹ "Government And Bribery - criminal | Laws.Com." *Criminal*, <http://criminal.laws.com/bribery/government-and-bribery/government-and-bribery>.
- ² "Difficulty In Addressing - criminal | Laws.Com." *Criminal*, <http://criminal.laws.com/bribery/government-and-bribery/difficulty-in-addressing>.
- ³ Wasden, Lawrence. "Idaho Ethics In Government Manual." *State of Idaho Office of Attorney General*, July 2015, www.ag.idaho.gov/publications/legalManuals/EthicsInGovernment.pdf.
- ⁴ "Former Illinois Governor Rod R. Blagojevich Sentenced to 14 Years in Prison for Corruption in Office." *FBI*, FBI, 7 Dec. 2011, <http://archives.fbi.gov/archives/chicago/press-releases/2011/former-illinois-governor-rod-r.-blagojevich-sentenced-to-14-years-in-prison-for-corruption-in-office>.
- ⁵ "Former Opa Locka City Commissioner Sentenced for Role in Corruption Scheme." *The United States Department of Justice*, 23 Feb. 2018, www.justice.gov/usao-sdfl/pr/former-opa-locka-city-commissioner-sentenced-role-corruption-scheme.



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