

FILED  
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CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JOSEPH GALLUCCI, )  
 )  
 Defendant. )

INFORMATION

JUDGE 1<sup>st</sup> 09CR544  
CASE NO. JUDGE ECONOMUS

Title 18, United States Code,  
Section 371

The United States Attorney Charges:

COUNT 1

(Conspiracy to Commit Bribery Concerning Programs Receiving Federal Funds, 18 U.S.C. § 666(a)(1)(B) and (a)(2), in violation of 18 U.S.C. § 371)

General Allegations

At all times relevant to the Information:

1. Cuyahoga County, Ohio ("County") was a government agency as that term is defined in Title 18, United States Code, Section 666(d)(2), that received benefits in excess of \$10,000 during each calendar year relevant to this Information under a federal program involving

a grant, contract, subsidy, loan, guarantee, insurance and other form of federal assistance. Its departments included the Auditor's Office, which was headed by an elected public official.

2. The Cuyahoga County Auditor's Office ("Auditor's Office") was a government agency, as that term is defined in Title 18, United States Code, Section 666(d)(2), which received benefits in excess of \$10,000 during every calendar year material to this Information under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance and other form of Federal assistance. The Auditor's Office was headed by an elected public official.

3. Public <sup>(PO2)</sup> Official 2 ("PO2") was an elected County official with overall responsibility for all County funds. He had the power to influence contracts and expenditures within the Office he was elected to operate. He also had the authority to influence personnel decisions within the County, including hiring, approving raises or promotions, terminating employment, and establishing job duties. PO2 was an agent of the County.

4. John Kevin Kelley ("Kelley") was employed in various positions within County government from approximately 1998 through June 2009. Kelley was an agent of the County.

5. Public Employee 4 ("PE4") was a County employee who was an employee of PO2.

6. Business Executive or Employee 15 ("BE15") is an employee or agent of Business 22, a managed care organization located in Cleveland, Ohio.

7. Business Executive or Employee 16 ("BE16") is a relative of BE15 and is an employee or agent of Business 22.

### THE CONSPIRACY

8. From in or about August 2005, and continuing through on or about November 29, 2006, the exact dates being unknown to the United States Attorney, in the Northern District of

Ohio and elsewhere, Defendant JOSEPH GALLUCCI, John Kevin Kelley (not charged herein), and others known and unknown to the United States Attorney, did knowingly and willfully combine, conspire, confederate and agree with each other to commit an offense against the United States that is, an agent of Cuyahoga County corruptly soliciting, demanding, accepting, and agreeing to accept anything of value from any person intending to be influenced and rewarded in connection with any business, transaction and series of transactions of the County, which receives more than \$10,000 per year in federal funds, involving anything of value of \$5,000 or more and corruptly giving, offering, and agreeing to give anything of value to any person with intent to influence and reward an agent of Cuyahoga County in connection with any business, transaction or series of transactions of Cuyahoga County involving anything of value of \$5,000 or more, in violation of Title 18, United States Code, Sections 666(a)(1)(B) and (a)(2).

#### OBJECT OF THE CONSPIRACY

9. It was an object of the conspiracy that PO2 abused his official position by exerting influence over County hiring and personnel decisions in return for private gain.

10. It was a further object of the conspiracy that GALLUCCI offered to give and did give PO2 a thing of value in exchange for PO2 assisting GALLUCCI in obtaining and retaining employment at the Auditor's Office.

#### OVERT ACTS

11. In furtherance of the conspiracy, and to effect the objects thereof, GALLUCCI and others committed the following overt acts in the Northern District of Ohio and elsewhere:

A. In or around August 2005, GALLUCCI approached Kelley about obtaining a job with the County in order to secure health insurance benefits. Kelley, GALLUCCI and others

discussed GALLUCCI giving PO2 cash or another thing of value in exchange for GALLUCCI receiving a County job.

B. In or around the second half of 2005, PO2, a County official, and Kelley discussed PO2's re-election campaign for the November 2006 election cycle. PO2 and Kelley discussed PO2's desire to identify and support a candidate from the opposing political party who would not run an aggressive campaign against PO2.

C. In or around the latter half of 2005, Kelley suggested to GALLUCCI that instead of giving PO2 cash or the thing of value previously discussed, GALLUCCI, a member of the opposing political party, could run against PO2 in the County election.

D. GALLUCCI agreed to run an ineffective campaign against PO2, understanding that in return, GALLUCCI would receive a job in the Auditor's Office after the November 2006 election at a salary of approximately \$50,000 per year. As agreed, GALLUCCI did run, but did not campaign actively and spent approximately only a few hundred dollars on the campaign.

E. During GALLUCCI's campaign, PE4 replaced Kelley as the primary contact between PO2 and GALLUCCI.

F. In or around May 2006, GALLUCCI complained that he needed to withdraw from the political race and find employment. PO2 and others encouraged GALLUCCI to stay in the race long enough to preclude the opposing political party from entering a replacement candidate. PO2 offered to subsidize GALLUCCI's income until GALLUCCI began employment with the County.

G. In or about June 2006, Kelley, at PO2's request, introduced GALLUCCI to BE15 and BE16. BE15 and BE16, through Business 22, paid GALLUCCI \$2,000 per month for five months, beginning on or about July 7, 2006. While the payments were purportedly for consulting, GALLUCCI performed no work for Business 22.

H. PO2 asked GALLUCCI to withdraw from the race after the filing deadline had passed for the opposing political party to substitute another candidate for GALLUCCI.

I. On or about October 2, 2006, GALLUCCI withdrew from the race.

J. On or about November 29, 2006, PO2 caused GALLUCCI to be hired in the Auditor's Office at a salary of approximately \$67,849.86 per year in return for GALLUCCI withdrawing from the race after the deadline had passed for the opposing political party to substitute another candidate for GALLUCCI.

All in violation of Title 18, United States Code, Section 371.

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WILLIAM J. EDWARDS  
ATTORNEY FOR THE UNITED STATES,  
ACTING UNDER AUTHORITY CONFERRED  
BY 28 U.S.C. § 515