



*United States Attorney
District of New Jersey*

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**UNION CITY BUILDING OWNER SENTENCED TO 34 MONTHS IN PRISON
FOR BRIBING WEST NEW YORK BUILDING OFFICIAL**

TRENTON, N.J. – A Union City, New Jersey man who owned a building at 235 56th Street in West New York, New Jersey was sentenced today to 34 months in prison for bribing a West New York construction official to permit an illegal apartment, J. Gilmore Childers announced, Acting United States Attorney for the purposes of this case.

Herman Friedman, 49, was convicted by a jury of bribery in on November 20, 2009, following a trial before United States District Judge Anne E. Thompson, who also imposed the sentence today in Trenton federal court.

According to documents filed in this case, statements made in court, and the evidence at trial:

The West New York building Friedman owned, which contained an illegal apartment on its ground floor, also lacked a Certificate of Occupancy – a legal document certifying that a building is suitable to be occupied.

After a routine inspection on March 2, 2007, the Township of West New York issued a Notice of Violation instructing Friedman to remove the illegal apartment. Friedman was informed that he either had to remove the apartment or obtain a variance from the West New York Zoning Board.

On Aug. 30, 2007, Friedman met a West New York construction code official – who testified at trial for the government – at the illegal apartment and offered to pay him \$5,000 to “put it on” meaning that Friedman would be permitted to use the apartment. The defendant also attempted to conceal his activity by using hand signals to indicate the amount that he was willing to pay.

Friedman paid the \$5,000 bribe on March 25, 2008, during a visit to the code official which was audio and video recorded by the Federal Bureau of Investigation (“FBI”). Friedman arrived at the official’s office with an envelope containing 50 \$100 bills, which the code official counted out in Friedman’s presence.

In addition to the prison term, Judge Thompson imposed a fine of \$25,000.

Under the advisory U.S. Sentencing Guidelines, Judge Thompson considered the

appropriate sentencing ranges that take into account the severity and characteristics of the offense, as well as other factors. Parole has been abolished in the federal system; defendants who are given custodial terms must serve nearly all the time imposed by the court.

Childers credited Special Agents of the FBI, under the direction of Special Agent in Charge Michael B. Ward, in Newark, New Jersey, with the investigation leading to today's sentence.

The case was tried by Assistant United States Attorneys Bradley A. Harsch and Richard E. Constable of the U.S. Attorney's Office Special Prosecutions Division in Newark.

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Defense counsel: Lawrence S. Lustberg, Esq., Newark, NJ