

1 STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

FILED

Jul 27 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. CR21-294 VC
12 Plaintiff,)
13 v.) VIOLATIONS: 18 U.S.C. § 371 – Conspiracy to
14 PAUL FREDRICK GIUSTI,) Bribe a Local Official and Commit Honest Services
15) Fraud;
16 Defendant.) 18 U.S.C. §§ 981(a)(1)(C) & 28 U.S.C. § 2461(c) –
17) Criminal Forfeiture
) SAN FRANCISCO VENUE
)

18
19 INFORMATION

20 The United States Attorney charges:

21 **INTRODUCTORY ALLEGATIONS**

22 1. At all times material to this information, defendant PAUL FREDRICK GIUSTI
23 (“Giusti”) was Group Government and Community Relations Manager for COMPANY A’s San
24 Francisco Group. COMPANY A is a waste management company responsible for solid waste collection
25 services for the City and County of San Francisco (the “City”) through its San Francisco Group.

26 2. Mohammed Nuru was the Director of San Francisco Public Works, also known as the
27 Department of Public Works (“DPW”) of the City and County of San Francisco. As Director of DPW at
28 all times material to this information, Nuru was a powerful public official who had great influence over

1 City business, including the City's relationship with COMPANY A and its San Francisco Group. Nuru
2 presided over the process that governed the rates that COMPANY A could charge in San Francisco for
3 its residential solid waste collection services, and was responsible for making a recommendation as to
4 whether any rate increase for COMPANY A should be approved. Nuru was also in a position to
5 influence the rates, known as tipping fees, that COMPANY A charged DPW when DPW dumped
6 materials at a COMPANY A facility. Nuru could also approve, deny, or otherwise affect operational
7 changes that COMPANY A wanted to make. Nuru's power and influence extended not only to business
8 within the purview of DPW, but also to other City departments and agencies.

9 THE CONSPIRACY AND OVERT ACTS

10 3. In his capacity as Group Government and Community Relations Manager, Giusti first
11 reported to COMPANY A Executive 2, the Vice President and General Manager of COMPANY A's
12 San Francisco Group, and then to John Porter, who replaced COMPANY A Executive 2 as the Vice
13 President and General Manager of COMPANY A's San Francisco Group.

14 4. In furtherance of the conspiracy, Giusti helped direct a stream of payments and benefits
15 from COMPANY A to NURU or his designees, including financial contributions to organizations at
16 Nuru's direction; services; gifts; and other things of value. The purpose of this stream of payments and
17 benefits was to influence Nuru to act in COMPANY A's favor as opportunities arose, and to have
18 NURU take official action and exercise official influence in COMPANY A's favor in exchange for such
19 payments and benefits.

20 5. The payments and benefits that Giusti arranged for Nuru on COMPANY A's behalf
21 included, but were not limited to, the following: (1) approximately \$150,000 per year, in \$30,000
22 installments, from in or around 2014 through approximately the end of 2019, to San Francisco Non-
23 Profit A, with the knowledge that Nuru could ultimately control how this money was used; (2) \$60,000
24 in funding for the annual DPW holiday party in the period from 2016 to 2019, in the form of "holiday
25 donations" to the Lefty O'Doul's Foundation for Kids; (3) a job for Nuru's son at a COMPANY A
26 subsidiary; and (4) COMPANY A funded internships for Nuru's son, in the summer of 2017 and
27 summer of 2018, at another San Francisco non-profit on whose board Giusti served.

28 6. Giusti arranged for these payments with the knowledge and approval of his supervisor at

1 the relevant time, COMPANY A Executive 2 or John Porter. In helping to arrange for these and other
2 payments and benefits for the purpose of influencing Nuru to act in COMPANY A's favor, Giusti acted
3 within the scope of his employment and for the purpose of benefitting COMPANY A and its San
4 Francisco Group.

5 COUNT ONE: (18 U.S.C. § 371 – Conspiracy)

6 7. Paragraphs 1 through 6 of this Information are re-alleged and incorporated as if fully set
7 forth here.

8 8. Beginning in or about 2014, and continuing through in or about January 2020, in the
9 Northern District of California and elsewhere, the defendant,

10 PAUL FREDRICK GIUSTI,

11 did knowingly conspire and agree with Mohammed Nuru and others, known and unknown to the United
12 States Attorney, to commit bribery and honest services wire fraud, that is, (1) corruptly giving, offering,
13 and agreeing to give things of value, namely, payments and benefits to Nuru or his designees, with the
14 intent to influence Nuru to use his power and perform official acts to benefit COMPANY A's business
15 as opportunities arose, in violation of 18 U.S.C. § 666; and (2) devising and intending to devise a
16 scheme and artifice to defraud and deprive the people of San Francisco of their right to the honest and
17 faithful services of Mohammed Nuru through bribery and the concealment of material information, and
18 to use or cause someone to use an interstate or foreign wire communication to carry out or attempt to
19 carry out the scheme, in violation of 18 U.S.C. §§ 1343, 1346.

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

21 FORFEITURE ALLEGATION: (18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c))

22 9. The allegations contained in this Information are re-alleged and incorporated by reference
23 for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and
24 Title 28, United States Code, Section 2461(c).

25 10. Upon conviction for any of the offenses set forth in this Information, the defendant,

26 PAUL FREDRICK GIUSTI,

27 shall forfeit to the United States all property, real or personal, constituting, or derived from proceeds the
28 defendant obtained directly and indirectly, as the result of those violations, pursuant to Title 18, United

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 371 – Conspiracy to Bribe a Local Official and Commit Honest Services Fraud

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: Maximum prison term: 5 years
Maximum fine: \$250,000 or twice the gross gain or gross loss
Maximum supervised release term: 3 years
Mandatory special assessment : \$100

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ PAUL FREDRICK GIUSTI

DISTRICT COURT NUMBER
CR21-294 VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI & IRS CI

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

20-mj-71664

Name and Office of Person Furnishing Information on this form STEHPANIE M. HINDS

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Scott Joiner

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction } Federal State
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

} If "Yes" give date filed

DATE OF ARREST ▶ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶ Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

FILED

Jul 27 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. PAUL FREDRICK GIUSTI

CASE NUMBER:

CR 21-294 VC

Is This Case Under Seal?

Yes No

Total Number of Defendants:

1 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No

Venue (Per Crim. L.R. 18-1):

SF OAK SJ

Is this a potential high-cost case?

Yes No

Is any defendant charged with a death-penalty-eligible crime?

Yes No

Is this a RICO Act gang case?

Yes No

**Assigned AUSA
(Lead Attorney):** AUSA Scott Joiner

Date Submitted: 7/27/2021

Comments: