

INDICTMENT  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

CLEMENT I. GARDNER,  
Defendant.

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INDICTMENT #:  
GRAND JURY #: 41179

**INTRODUCTION**

At all times relevant to this indictment:

1. Christian Community Benevolent Association, Inc. (the "Association") was a publicly-funded New York State not-for-profit corporation, headquartered in Bronx County. The purpose of the Association was to offer educational and recreational opportunities to children and senior citizens in the Bronx.
2. The defendant, CLEMENT I. GARDNER, was a "fiscal officer" for the Association. As fiscal officer, GARDNER managed the finances of the Association, maintained its expense records, and administered its bank accounts.
3. From on or about January 1, 2004 to on or about May 3, 2007, the defendant CLEMENT I. GARDNER prepared and executed at least \$75,000 in unauthorized payments to himself from Association accounts. GARDNER co-signed checks associated with these payments, devised false memo lines for each payment to escape detection, endorsed the checks to himself, and then cashed these checks or deposited them into his personal bank account.

FIRST COUNT

THE GRAND JURY OF THE COUNTY OF THE BRONX, BY THIS INDICTMENT,  
ACCUSES THE DEFENDANT OF THE CRIME OF GRAND LARCENY IN THE SECOND  
DEGREE, IN VIOLATION OF PENAL LAW § 155.40, COMMITTED AS FOLLOWS:

THE DEFENDANT, IN BRONX COUNTY, FROM ON OR ABOUT JANUARY 1,  
2004 TO ON OR ABOUT MAY 3, 2007, STOLE PROPERTY HAVING A VALUE IN  
EXCESS OF FIFTY THOUSAND DOLLARS FROM CHRISTIAN COMMUNITY  
BENEVOLENT ASSOCIATION, INC., A NEW YORK STATE NOT-FOR-PROFIT  
CORPORATION.

ERIC T. SCHNEIDERMAN

NEW YORK STATE ATTORNEY GENERAL

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX: PART A

\_\_\_\_\_  
THE PEOPLE OF THE STATE OF NEW YORK

X

-against-

INDICTMENT NO.:

CLEMENT I. GARDNER,

Defendant.

\_\_\_\_\_  
X

**NOTICE OF INTENTION TO OFFER AT TRIAL EVIDENCE OF  
STATEMENT MADE BY THE DEFENDANT TO A PUBLIC SERVANT  
PURSUANT TO CPL § 710.30 (1) (a)**

**PLEASE TAKE NOTICE**, that the People intend to offer at trial oral statements, reduced to writing, made by the defendant, **CLEMENT I. GARDNER**, to Special Agent Bullets W. Campbell of the Federal Bureau of Investigations, on May 3, 2007, at approximately 7 am, at 3110 Kingsbridge Terrace, Apt. 1D, Bronx County, New York.

**The substance of the defendant's statements:** He was hired to work as a bookkeeper at CCBA Betances Senior Center on November 7, 1994. He has been paid for working at Christian Community Benevolent Association (CCBA) since 2005, but was doing unpaid work for CCBA for a couple of years before that. At CCBA, he manages the payroll and finances for multiple sub-programs. CCBA is a parent organization that oversees a variety of sub-programs. The sub-programs are CCBA Betances Senior Center, CCBA Casa Boricua Senior Center, CCBA Senior Transportation, Project Excel, CCBA Children's Services and the Hispanic Clergy Association. He has been taking money from CCBA. He writes checks from the CCBA bank account at Banco Popular to himself. He then deposits the checks into his bank account or cashes the checks. He has been doing this for three years and has not been caught by the auditors. He classifies the checks as something other than what they are. The checks are for over \$1,000 and for less than \$5,000 and are in round number increments of money. He started doing this because he was doing work for CCBA and wasn't being paid for it. His salary at CCIA was cut \$10,000 when he wasn't approved to be the Assistant Director of Administration.

**PLEASE TAKE NOTICE**, that the People intend to offer at trial oral statements, reduced to writing, made by the defendant, **CLEMENT I. GARDNER**, to Special Agent Bullets W. Campbell of the Federal Bureau of Investigations, on May 3, 2007, at approximately 6:30 pm, at 26 Federal Plaza, New York, New York.

**The substance of the defendant's statements:** He has been nervous since he became aware of the FBI investigation because he feared the FBI would discover that he had been embezzling money from CCBA. In total, he estimated he has stolen approximately \$75,000 from CCBA. The account he stole from is funded through fundraising and donations. He wrote checks to himself and cashed some of the checks and deposited some of the checks in his Banco Popular bank account number 9500145722. He took the money from CCBA and used it for normal living expenses. He does not have a drug or alcohol addiction that he is supporting with the stolen money. He is paid approximately \$46,000 a year by Christian Community in Action (CCIA). He is paid approximately \$20,000 a year by Christian Community Benevolent Association (CCBA), but has not been paid since December of 2006 because CCBA does not have an approved budget.

**PLEASE TAKE NOTICE**, that the People intend to offer at trial oral statements, reduced to writing, made by the defendant, **CLEMENT I. GARDNER**, to Special Agent Bullets W. Campbell of the Federal Bureau of Investigations, on May 8, 2007, at 26 Federal Plaza, New York, New York.

**The substance of the defendant's statements:** New York State funds CCBA with money from the Office of Children and Family Services and from the Empire State Development Corporation. SCA used to receive \$125,000 a year from the Empire State Development Corporation, but that money now comes to CCBA. The money is used to pay for street fair attractions, games, boxing, and artists. He has never been to the street fair. The money that was donated to CCBA is money that he was embezzling.

**PLEASE TAKE NOTICE**, that the People intend to offer at trial oral statements, reduced to writing, made by the defendant, **CLEMENT I. GARDNER**, to Special Agent Bullets W. Campbell of the Federal Bureau of Investigations, on July 10, 2007, at 26 Federal Plaza, New York, New York.

**The substance of the defendant's statements:** He won \$28,000 at the horse races last year, but he lost more money than he won.

**PLEASE TAKE NOTICE**, that the People intend to offer at trial oral statements, reduced to writing, made by the defendant, **CLEMENT I. GARDNER**, to Special Agent Bullets W. Campbell of the Federal Bureau of Investigations, on October 23, 2007, at 26 Federal Plaza, New York, New York.

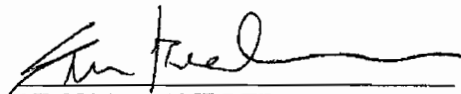
**The substance of the defendant's statements:** He has been reinstated with CCBA and expects to receive a salary of \$10,000 for the year. Because funding for CCBA arrived in July, he will be paid the entire salary between July and December.

DATED: New York, New York  
March 8, 2012

Respectfully submitted, .

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL  
STATE OF NEW YORK

BY:



SIMON BRANDLER  
Assistant Attorney General  
Public Integrity Bureau  
New York State Office of the Attorney General  
(212) 416-6544

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX: PART A

\_\_\_\_\_  
THE PEOPLE OF THE STATE OF NEW YORK

X

INDICTMENT NO.:

-against-

CLEMENT I. GARDNER,

Defendant.

\_\_\_\_\_  
X

**NOTICE OF READINESS FOR TRIAL  
PURSUANT TO CPL § 30.30**

**PLEASE TAKE NOTICE**, that the People are ready for trial in the above-captioned case.

**PLEASE TAKE NOTICE** that the undersigned will be the Assistant Attorney General assigned to the trial of this case on behalf of the People. Accordingly, all correspondence, requests, demands, inquiries, papers, notices and motions should be addressed to him at the New York State Office of the Attorney General, Public Integrity Bureau, 120 Broadway, New York, New York 10271-0332.

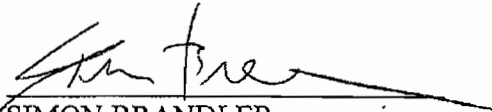
**PLEASE TAKE NOTICE** that the Attorney General of New York State is aware of its continuing obligation under Brady v. Maryland to disclose any exculpatory material in his possession. Whenever the Attorney General of New York State comes into possession of exculpatory material, he will disclose the same to the defense in court and on the record.

DATED: New York, New York  
March 8, 2012

Respectfully submitted,

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL  
STATE OF NEW YORK

BY:

  
SIMON BRANDLER  
Assistant Attorney General  
Public Integrity Bureau  
New York State Office of the Attorney General  
(212) 416-6544

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX: PART A

\_\_\_\_\_  
THE PEOPLE OF THE STATE OF NEW YORK

X

-against-

CLEMENT I. GARDNER,

Defendant.

\_\_\_\_\_  
X

**DEMAND NOTICE  
FOR DISCOVERY**

**INDICTMENT NO.:**

**PLEASE TAKE NOTICE**, that the Attorney General of New York State demands, pursuant to Section 240.30 of the Criminal Procedure Law, that within 15 days you disclose to the People and make available for inspection, photographing, copying or testing the following property:

(a) Any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of, the defendant, if the defendant intends to introduce such report or document at trial, or if defendant has filed a notice of intent to proffer psychiatric evidence and such report or document relates thereto, or if such report or document was made by a person other than defendant, whom defendant intends to call as a witness at trial; and

(b) any photograph, drawing, tape, or other electronic recording which the defendant intends to introduce at trial.

**PLEASE TAKE FURTHER NOTICE** that the Attorney General of New York State demands that in the event the property referred to herein is not in your possession at the time of service of this notice and subsequently comes into your possession that within 15 days from the time of said possession, you disclose and make available to the People for inspection, photographing, copying or testing any and all of said property.

**PLEASE TAKE FURTHER NOTICE** that the Attorney General of New York State demands that within 15 days of the date hereof you specify the particular paragraph of paragraphs of subdivision 1 of Section 250.10 of the Criminal Procedure Law upon which you intend to rely.

DATED: New York, New York  
March 8, 2012

Respectfully submitted,

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL  
STATE OF NEW YORK

BY:



SIMON BRANDLER  
Assistant Attorney General  
Public Integrity Bureau  
New York State Office of the Attorney General  
(212) 416-6544

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX: PART A

\_\_\_\_\_  
THE PEOPLE OF THE STATE OF NEW YORK

X

-against-

CLEMENT I. GARDNER,

Defendant.

\_\_\_\_\_  
X

**DEMAND FOR NOTICE OF  
ALIBI PURSUANT  
TO CPL § 250.20**

**INDICTMENT NO.:**

**PURSUANT TO THE ATTACHED INDICTMENT:**

**PLEASE TAKE NOTICE** that the People demand that defendant serve, within eight (8) days of the service thereof, upon the undersigned, a notice of alibi reciting:

- a. The place or places where the defendant claims to have been at the time of commission of the crime charged, and
- b. The names, the residential addresses, the places of employment with the addresses thereof of every alibi witness upon whom he intends to rely.

**PLEASE TAKE NOTICE** that the notice of alibi must be served upon the undersigned if the defendant intends to offer such testimony.

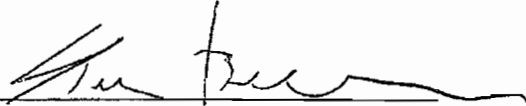
**PLEASE TAKE FURTHER NOTICE** that if said notice is not served as prescribed, the defendant will be precluded from the offering of such testimony.

DATED: New York, New York  
March 8, 2012

Respectfully submitted,

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL  
STATE OF NEW YORK

BY:

  
SIMON BRANDLER  
Assistant Attorney General  
Public Integrity Bureau  
New York State Office of the Attorney General  
(212) 416-6544

TO: Clerk of the Court, PART A  
Attorney for Defendant

GRAND JURY REPORT

COUNTY: BRONX

INDICTMENTS#

GRAND JURY # 41179 / 2012

FINDING: INDICTED

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DEFENDANTS

CORRESPONDING DOCKETS

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1. GARDNER, CLEMENT I.

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INDICTMENT CHARGES

GRAND LARCENY IN THE SECOND DEGREE  
P.L. 155.40

SCHEDULED ARRAIGNMENT DATE:

ARRAIGNMENT PART:

OTHER ASSOCIATED INDICTMENTS:

DATE COMPLETED: MARCH 8, 2012

AAG: SIMON BRANDLER  
BUREAU: PUBLIC INTEGRITY BUREAU  
N.Y. STATE ATTORNEY GENERAL