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NY CRIME

U.S. Attorney Targets Ex-Lawmaker Pensions

Three Former Members of the New York City Council, One From Yonkers, Face Pressure to Repay Thousands of Dollars

By SEAN GARDINER

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Manhattan U.S. Attorney Preet Bharara is trying to seize the pensions of three former members of the New York City Council and one from Yonkers to force them to repay tens of thousands of dollars that judges ordered them to forfeit after political-corruption convictions.

Mr. Bharara directed attorneys in his office on Tuesday to seek forfeiture judgments that would divert the pension benefits due former New York City Council members Larry Seabrook and Miguel Martinez until their court-ordered restitution is paid.



Larry Seabrook in 2012 *Richard Drew/Associated Press*

The 62-year-old Mr. Seabrook, who receives pension benefits, was sentenced to 60 months in prison in January and ordered to pay \$418,252.53.

Mr. Martinez, 43, is vested but isn't eligible to receive pension his benefits until he is 57. He was sentenced to serve 60 months in prison in December 2009 and ordered to forfeit \$106,000.

Mr. Bharara's office also served discovery requests on former New York Council Member Hiram Monserrate and former Yonkers City Councilwoman Sandy Annabi. The requests seek to locate money paid to them when they cashed out their pensions.

Mr. Monserrate, 46, was convicted in December 2012 and sentenced to 24 months and ordered to forfeit \$79,434.49. Ms. Annabi, 43, was sentenced to 72 months imprisonment in November 2012 and ordered to repay more than \$1.2 million in bribes and bank loans.

"To date, none of these defendants has made a single payment toward their respective forfeiture obligations," according to a statement from Mr. Bharara.

Ms. Annabi's attorney, Edward Sapone, said "Ms. Annabi's sentencing judge even recognized that Ms. Annabi should pay back the salary she earned from the City of Yonkers only during the months surrounding her changed votes, not for her eight years in office."

Lawyers for the three other former council members didn't return calls for comment.

In September, speaking before a state commission on corruption, Mr. Bharara urged Albany lawmakers to amend the law. He called the loophole "a galling injustice that sticks in the craw of every thinking New Yorker."

Because the New York state Constitution protects a pension recipient's benefits for life, a constitutional amendment would be required to change the law.

"As I announced this fall," Mr. Bharara said on Tuesday, "we are committed to using every legal tool to take the profit out of crime, and that includes preventing public



Hiram Monserrate in 2010 *Craig Ruttle/Associated Press*



Sandy Annabi in 2012 *Scott Eells/Bloomberg*

money from being used to fund the comfortable retirement of corrupt officials."

Mr. Bharara's office also has filed similar court papers notifying New York state Sen. Malcolm Smith, City Council Member Daniel Halloran and state Assemblyman Eric Stevenson that as a result of the still-pending political corruption cases, it had started forfeiture proceedings looking to seize, among other assets, their government pensions.

All three men have pleaded not guilty,

Mr. Halloran's attorney, Vinoo Varghese, said that because Mr. Halloran's case is still pending. "It's premature to be seeking property or pensions or anything until someone is convicted."

Attorneys for the other two men, didn't respond to requests for comment.

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