July 17, 2012

Honorable Lanny Breuer Assistant Attorney General Criminal Division U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530-0001

James W. McJunkin Assistant Director in Charge FBI Washington Field Office 601 4th Street, N.W. Washington, D.C. 20535

VIA HAND DELIVERY

Re: Request for Investigation into Conduct of Senator Robert Menendez

Dear Messrs. Breuer and McJunkin:

Citizens for Responsibility and Ethics in Washington ("CREW") respectfully requests that the Department of Justice ("DOJ") and the Federal Bureau of Investigation ("FBI") commence an immediate investigation into whether Senator Robert Menendez (D-NJ) engaged in sex tourism by engaging in illicit sexual acts with underage prostitutes in the Dominican Republic. We further request that you investigate whether Sen. Menendez solicited the services of a prostitute in Florida and whether he violated the Mann Act.

Background

On April 9, 2012, CREW Research Director Carrie Levine received an email alleging Sen. Menendez had engaged in "inappropriate sexual activities with young prostitutes while on vacations in the Dominican Republic." The writer, identified as Peter Williams and emailing from a yahoo.com email account, said Sen. Menendez had been traveling to the Dominican Republic with a Florida ophthalmologist, Dr. Salomon Melgen, using Dr. Melgen's private jet and staying at Dr. Melgen's Dominican homes in La Romana and Santo Domingo. The email referred to "female prostitutes in their 20s."

Mr. Williams said he is an American citizen who frequently travels to the Dominican Republic and claims to have firsthand knowledge of Sen. Menendez's activities, which he considers "a grave violation of the most fundamental codes that a politician of my country must follow." He explained that Sen. Menendez has been visiting the Dominican Republic regularly since 2007, and that Mr. Williams has been aware of the senator's involvement with prostitutes

¹ All emails are attached as Exhibit A. In addition, a compact disc is enclosed to allow investigators to review any metadata included with the emails.



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since 2008. He also claims to have "dates and specifics about many of the senator's visits," as well as "photos, video and the testimony of one of the young women." Finally, Mr. Williams stated that if their safety was assured, his sources were willing and able to travel to the U.S. to testify.

CREW regularly receives tips – frequently anonymous – from individuals who wish to pass on information about alleged misconduct by a member of Congress. These tips do not always prove to be accurate or actionable, but CREW's practice is to follow up on them. Therefore, in response to Mr. Williams' email, Ms. Levine wrote back to Mr. Williams on April 9, 2012, and again on April 11, 2012, asking him both to call her directly and to provide any evidence he had regarding Sen. Menendez's misconduct.

On April 11, 2012, Mr. Williams sent another email saying he would "prefer not to talk on the phone now." Mr. Williams said Sen. Menendez had traveled to the Dominican Republic on Dr. Melgen's private jet during the summer of 2009, the spring of 2010, and late 2011. He asked if CREW was planning to proceed with an investigation, or if he should pursue other avenues, but failed to provide any information to corroborate his allegations.

Ms. Levine wrote back the same day, once again requesting documentation and explaining that CREW did not have enough information to launch an investigation. Because Mr. Williams had so far refused to speak on the phone or provide specifics, we were increasingly skeptical of his allegations.

On April 16, 2012, Mr. Williams replied with a long e-mail including more specific information. He claimed Sen. Menendez had engaged in sexual activities with prostitutes on a yacht owned by the son of Dominican presidential advisor for Security Affairs Vinicio Castillo, and that other sexual encounters took place at Dr. Melgen's homes. He explained that a pimp named "Chocolate" and another man, Juan Chamizo, procured the prostitutes. He also provided the names of some prostitutes, a possible cellphone number for one of the women, Yaneisy (also spelled in the email as Yaneysi) Fernandez, as well as other supporting details, such as the addresses of Dr. Melgen's homes. He attached several photos of a building that appears to be Dr. Melgen's Santo Domingo residence. The photos did not, however, carry the encrypted data showing when, where, and with what camera they were taken that is typically found embedded in digital photographs.

Most importantly, for the first time, Mr. Williams alleged that at least two of the prostitutes with whom Sen. Menendez was involved, Claudia and Rosemary Rivas, were underage.

Ms. Levine responded to Mr. Williams on April 17, 2012, asking to speak directly with witnesses or participants, and asking whether it was safe for CREW to call Ms. Fernandez, the alleged prostitute whose cellphone number Mr. Williams had provided. On April 20, 2012, Mr. Williams replied that CREW should try to speak with Ms. Fernandez, but should not mention his

name. Ms. Levine wrote again on April 23, 2012, indicating CREW's interest in pursuing the matter, but stressing the need for strong evidence before CREW could take any action given the serious nature of the charges.

On April 24, 2012, Mr. Williams sent another email, expressing reservations about a call to Ms. Fernandez. He said she could "make Doctor Melgen aware of this matter" and it was important that she not realize an investigation was underway. He also forwarded an email in Spanish from Mariela De la Caridad, a girl he said was a prostitute who had been involved with Dr. Melgen and Sen. Menendez. Her email used what we understand to be Dominican colloquialisms, such "cualtos" for money, and "ensanche" for neighborhood, indicating it was written by a Dominican or a person very familiar with Dominican culture.

Ms. De la Caridad's email, translated by a CREW staffer fluent in Spanish, described certain features of Dr. Melgen's home in La Romana, though CREW has no way of knowing whether her description is accurate. She also provided the first names of two Melgen staff members who, she claimed, dealt directly with the prostitutes used by Dr. Melgen. Ms. De la Caridad said she had not been aware of Sen. Menendez's identity and position until Mr. Williams told her who he was, but described him as having a preference for "young" and "new" prostitutes. She alluded to an incident on a yacht, allegedly both sexual and violent in nature, and said she was concerned for her safety, as well as that of her sister and the other prostitutes.

On April 26, 2012, Ms. Levine wrote to Ms. De la Caridad in Spanish asking her to provide any dates, photos, or other details concerning any encounters with Sen. Menendez. Ms. Levine also asked whether any of the prostitutes were under 18, and provided a picture of Sen. Menendez so Ms. De la Caridad could confirm his identity. Ms. Levine also wrote to Mr. Williams, expressing concern for the safety of the girls involved in the events and again urging him to provide all evidence to CREW.

On April 28, 2012, Ms. De la Caridad replied (in Spanish), confirming she was sure Dr. Melgen's "friend of the doctor who was American and who participated in those activities" is indeed Sen. Menendez, having looked at photos of the senator on the Internet. She also said the youngest women involved were between 16 and 18 years old, and gave several dates on which she believes the activities she described had taken place, though she said she could not be certain: February 21, 2009; the beginning of March 2009; around May 23, 2009; sometime in June 2009; and mid-May 2010. Ms. De la Caridad also expressed a need for protection.

On April 30, 2012, Ms. Levine sent an email to both Mr. Williams and Ms. De la Caridad asking them why they were coming forward, why now – given that the activities had been going on for years – and why they had chosen to bring the allegations to CREW's attention. Not receiving a prompt reply and lacking the resources to fully investigate this matter ourselves, on May 1, 2012, Ms. Levine wrote again, seeking Mr. Williams' permission to share his contact information with a trusted journalist.

On May 4, 2012, Mr. Williams replied, explaining he had only in the past few months learned the identity of the man with whom Dr. Melgen engaged in the activities described. He said he had to persuade his friend, who is rather fearful, to come forward. He said he had chosen to bring his allegations to CREW because he had found our organization on the Internet and agreed with our mission of holding politicians accountable for their actions. He also, however, said he had sent an email to the Senate Ethics Committee, which had not responded. Finally, he asked that CREW have the journalist contact him directly. Later that day, Ms. Levine responded, explaining CREW has no interest in jeopardizing anyone's safety, and telling him the journalist with whom we have been in touch and with whom we recommended he speak works for ABC News.

On May 8, 2012, Mr. Williams sent another email to Ms. Levine, saying he would continue sending her everything his sources provided, but noting that at least one of them was quite scared and believed she was being watched. On May 11, 2012, Ms. Levine thanked Mr. Williams for his email and reiterated our interest in his information.

On May 10, 2012, CREW provided ABC News with Mr. Williams' email address.

On May 14, 2012, Mr. Williams asked what, specifically, we'd like to know and said witnesses, including one of Dr. Melgen's household employees, would be willing to answer questions.

On May 18, 2012, Mr. Williams thanked Ms. Levine for putting him touch with ABC News. Ms. Levine replied the same day, asking Mr. Williams if he had spoken with ABC and requesting that he keep her apprised as the investigation progressed.

We did not hear back from Mr. Williams again until June 23, 2012, at which time he forwarded to Ms. Levine an email exchange between he and Rhonda Schwartz, a producer at ABC News. For the first time, Mr. Williams indicated Sen. Menendez was involved with a young Russian woman, presumably also a prostitute, based in Miami, Florida. This young woman apparently has traveled to New York as well, but Mr. Williams did not indicate whether or not she had done so at Sen. Menendez's behest. He also provided the names of two women he believed were involved with Sen. Menendez in the Dominican Republic, as well as their address and a telephone number where they could be reached.

On June 23, 2012, Ms. Levine wrote back, asking Mr. Williams how his conversations with ABC News had been progressing. On June 29, 2012, he replied, expressing "confidence in ABC's professionalism," but indicating some disappointment, believing they should have made greater progress. He also explained he was trying to obtain the date of Sen. Menendez's next trip to the Dominican Republic.

CREW's Research

While these email exchanges were taking place, CREW's researchers attempted to confirm as many of the facts in Mr. Williams' emails as possible in an effort to assess the credibility of the allegations. While CREW has been unable to either prove or disprove that Sen. Menendez engaged in sexual conduct with underage girls in the Dominican Republic, we have been able to confirm some information provided.

Sen. Menendez, Dr. Melgen, and Vinicio Castillo

It is clear Sen. Menendez, Dr. Melgen, and Vinicio Castillo know each other, and the senator and the doctor, at least, seem to know each other reasonably well. Dr. Melgen is a prominent ophthalmologist in Florida and an immigrant from the Dominican Republic who appears to be active in charitable causes and prominent in the Latino community. Dr. Melgen has given \$9,200 to Sen. Menendez's campaign committee, Menendez for Senate, since 2005, and his wife, Flor Melgen, has contributed \$5,000. The Melgens appear to be active political donors, contributing mainly – though not exclusively – to Democrats. Dr. Melgen and Sen. Menendez have attended events together in the Dominican Republic and in the United States, and were described in one press release as having a "close and longstanding friendship." Dr. Melgen is involved in a lawsuit with Bank of America over an investment gone wrong and seems to be wealthy.

Mr. Williams gave the address of Dr. Melgen's home in the La Romana area of the Dominican Republic as Ingenio 25, Casa de Campo, La Romana. We found a reference to Dr. Melgen living at "Ingenio 25" on a now-defunct website in a news item about the theft of roughly \$20,000 in cash from his house in 2006.

Mr. Castillo, Sen. Menendez, and Dr. Melgen have appeared together in the Dominican Republic at least twice. We found a 2010 photograph of the doctor and the senator taken at an event at Dr. Melgen's La Romana home, and a reference to the pair in a news article from 2012. We also found an article describing Dr. Melgen as the cousin of Vinicio "Vincho" Castillo. 10

² http://www.melgeneyecenter.com/; http://ourallies.com/tbtc/melgen.htm.

³ Political Moneyline, <u>Donor Lookup</u>, <u>Salomon Melgen</u>.

⁴ http://www.listindiario.com/las-sociales/2007/6/19/17323/Esposos-Melgen-ofrecen-coctel-a-Christopher-Dodd; Intelius, Flor Melgen; Political Moneyline, Donor Lookup, Flor Melgen.

 $[\]frac{1}{http://www.opensecrets.org/indivs/search.php?name=melgen\%2C+s\&state=FL\&zip=\&employ=\&cand=\&c2012=Y\&c2010=Y\&c2008=Y\&sort=N\&capcode=q9cd2\&submit=Submit+your+Donor+Query.}$

⁶ Press Release, Dr. Salomon Melgen Honored by DANR's National Council Leadership Summit in DC, November 24, 2010.

⁷ http://ourallies.com/tbtc/melgen.htm.

http://web.archive.org/web/20080618192924/http:/myarea809.com/index.php?page=40.

http://www.listin.com.do/las-sociales/2010/5/18/142449/print; http://www.elcaribe.com.do/2012/01/04/torrijos-paso-nuevo-ano-casa-vinicito.

http://www.perspectivaciudadana.com/contenido.php?itemid=3524.

Vinicio Castillo has a son named Vinicio "Vinicito" Castillo Seman, but we have not been able to confirm whether he owns a yacht in the Dominican Republic. 11

Trips to the Dominican Republic

Mr. Williams said that Dr. Melgen has a private jet, and Sen. Menendez travels with him on it to the Dominican Republic. We found a plane owned by DRM Med Assist LLC, based in West Palm Beach, Florida. Dr. Melgen is listed on state incorporation records as the manager/member of DRM Med Assist LLC. We also obtained flight records for the plane for the past four months. The plane regularly traveled between Florida and the Dominican Republic, though we have no way to know who went on the trips. It is worth noting, however, that on April 8, 2012, the plane flew from Palm Beach International Airport to Teterboro, New Jersey, then on to Las Americas Airport near Santo Domingo in the Dominican Republic. 16

Details about the prostitutes and pimps named in the emails

Mr. Williams referred to Yaneisy Fernandez as one of the "girls Senator Menendez prefers the most." Internet searches reveal the name Yaneisy is relatively common in the Dominican Republic. Mr. Williams described the young woman as "a high-class prostitute, who is white, thin, 5.6 feet tall, light eyes, pointed nose, big and exciting mouth." We found social media profiles for a Yaneisy Fernandez in Santo Domingo who seems to be around the right age, but in photographs accompanying the profile, the young woman does not necessarily match the physical description Mr. Williams provided (this is, of course, subjective, but the young woman we located did not appear fair-skinned, light-eyed, or particularly thin). ¹⁷

CREW also found a news article referencing a Juan Chamizo, though we cannot confirm he is the same Juan Chamizo Mr. Williams alleges has procured prostitutes for Sen. Melendez and Dr. Melgen. The Mr. Chamizo we located is the president of a company that owns a bar, and arranged an appearance by Alex Bueno, a popular Dominican singer. The Yaneisy Fernandez for whom we located a Facebook profile posted a picture of herself with Alex Bueno approximately two weeks after the event took place. 20

¹¹ http://www.elnacional.com.do/nacional/2012/1/27/109537/Enviantresa-juicio-por-muerte-seguridad-Vinicio-Castillo-Seman.

¹² FAA Registry, Number Inquiry: N900LG, available at http://registry.faa.gov/aircraftinquiry/.

¹³ DRM Med Assist, State Corporation Records, Florida, available at www.sunbiz.org.

¹⁴ Flight Search: N900LG, available at www.flightaware.com. Additional flight records are available for a fee.

¹⁵ Flight Search: N900LG, available at www.flightaware.com.

¹⁶ Flight Search: N900LG, available at www.flightaware.com.

https://twitter.com/#!/2080920; https://profile.live.com/cid-cee3afd606f7cf21/;

https://www.facebook.com/profile.php?id=1830780336; http://badoo.com/01114538218/.

¹⁸ http://www.imagenesdominicanas.com/2011/07/la-parada-cervecera-con-gran-fiesta.html.

http://www.imagenesdominicanas.com/2011/07/la-parada-cervecera-con-gran-fiesta.html.

²⁰ https://www.facebook.com/photo.php?fbid=1711234920628&set=a.1255807895237.30306.1830780336&type=3&theater.

Finally, analyzing CREW's web traffic, we discovered two visitors who examined materials on our website related to Sen. Menendez. On April 16, 2012, someone in Santo Domingo using a Spanish version of the browser Firefox landed on CREW's site after searching for "carrie levine crew" and "crew Melanie." This visitor spent 16 minutes on the site, which is 14 minutes longer than average, and visited numerous pages. In addition, on February 22, 2012, a visitor from Pennington, New Jersey landed on CREW's site after Googling "Bob Menendez CREW." This visitor spent 10 minutes on the site and visited only pages related to the senator.

Legal Analysis

As you know, an American citizen commits the crime of sex tourism if he travels in foreign commerce for the purpose of engaging in, or actually engaging in, illicit sexual conduct, defined as any commercial sex act with a person under 18 years of age. 18 U.S.C. § 2423(b) and (c). Here, if Sen. Menendez traveled to the Dominican Republic for the purpose of engaging in sexual acts with girls under the age of 18, or if he actually engaged in sexual acts with girls under the age of 18, he may have committed a federal crime. As odious as such crimes are, it would be all the more reprehensible for a high level government official to have engaged in such behavior.

It is also possible Sen. Menendez may have engaged in commercial sex acts in Florida, in which case he may have violated Fla. Stat. § 796.07(2)(i). Further, if in fact, the young woman traveled from Florida to engage in sexual acts with Sen. Menendez in another state, he also may have violated the Mann Act, 18 U.S.C. § 2421.

Given the serious nature of the potential crimes, it is imperative that the FBI and the Department of Justice conduct an immediate, thorough, and fair investigation of these allegations.

CREW's History with the FBI

In July 2006, CREW received emails suggesting then-Rep. Mark Foley (R-FL) might have had inappropriate relationships with House pages. In that case, CREW was cognizant of the possible serious ramifications for Rep. Foley if we released the emails publicly, particularly given that we had no way to independently verify their legitimacy. At the same time, we were concerned about the safety of the teenage pages with whom Rep. Foley was corresponding. Therefore, we decided handing the emails over to a law enforcement authority was the best course of action. I telephoned FBI Special Agent Leanna Saler and told her about the emails and then forwarded them to her so the FBI could investigate the matter. Months later, in October, someone else released the email correspondence to the press. At that time, CREW revealed it had sent the emails to the FBI in July, increasing media and public furor. The FBI, clearly embarrassed by its failure to act, told several reporters that CREW had "heavily redacted" the

emails and refused to cooperate when the FBI requested additional information.²¹ This was untrue and the FBI knew it.

As a result, CREW requested an investigation by the Department of Justice Inspector General. In January 2007, the Inspector General issued a report concluding CREW had, indeed, forwarded all information in its possession to the FBI, that the FBI had failed to take appropriate action, and that the FBI had lied about CREW's communications with the bureau.²²

Needless to say, this episode severely diminished CREW's confidence in the FBI's will or ability to handle a highly sensitive investigation involving a member of Congress. Therefore – now that we have once again come into possession of salacious information regarding the potential criminal conduct of a top government official – to ensure this matter is investigated promptly and thoroughly, we are sharing all information in our possession with the FBI and the Criminal Division of the Department of Justice. In addition, ABC News is independently pursuing its own investigation of these allegations.

Conclusion

CREW is aware that even suggesting the sort of misconduct alleged here could destroy the reputation or career of any politician, so we do not plan to publicly release the information we have received. Nevertheless, if a top government official like Sen. Menendez – who has sworn to uphold the laws of the United States – has, in fact, engaged in the conduct alleged, he should be exposed and prosecuted to the fullest extent of the law.

Please do not hesitate to contact me if you have any questions or need further information. CREW will cooperate in any investigation in every way possible.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely

Melanie Sloan
Executive Director

Enclosures

²¹ Beverly Lumpkin, Foley Probe Not a Jefferson Replay, CBS News, October 4, 2006.

²² Office of the Inspector General, Department of Justice, <u>A Review of the Federal Bureau of Investigation's Initial Response to Representative Mark Foley's Emails to a Former Page</u>, January 22, 2007.