



Department of Justice

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FORMER FBI SPECIAL AGENT AND CO-DEFENDANT PLEAD GUILTY TO CONSPIRACY, BRIBERY, AND OBSTRUCTION OF JUSTICE SCHEME

WASHINGTON – A former FBI special agent and a conspirator pleaded guilty in the District of Utah yesterday and today to participating in a bribery scheme to obstruct a grand jury investigation in exchange for the promise of cash and multimillion dollar business contracts offered by a businessman under investigation.

Assistant Attorney General Leslie R. Caldwell of the Justice Department’s Criminal Division, Acting U.S. Attorney Carlie Christensen of the District of Utah and Justice Department Inspector General Michael E. Horowitz made the announcement after the guilty pleas were accepted by U.S. District Judge Tena Campbell.

“No one is above the law, no matter what rank or badge a person might hold,” said Assistant Attorney General Caldwell. “Corruption by those entrusted to enforce the law strikes at the heart of our criminal justice system, and it will not be tolerated. This case lays bare a disgraceful attempt by a veteran FBI agent to get rich by thwarting an ongoing investigation. The Justice Department will fight corruption wherever we find it, even within the ranks of federal law enforcement.”

“These plea agreements demonstrate that Federal law enforcement officers who sell their badges for cash and frustrate the administration of justice will be held accountable for their actions,” said Inspector General Horowitz. “Department employees are held to the highest standards, and we cannot permit our criminal justice system to be stained by such bribery and corruption.”

“When a law enforcement officer violates his oath and the public’s trust by breaking the law, he must be held accountable,” said Acting U.S. Attorney Christensen. “In this case, former Agent Lustyik’s decision to enter into a conspiracy to obstruct a significant fraud investigation in Utah is a troubling reminder that corruption may exist even among those we entrust with protecting our citizens and upholding our laws.”

A 24-year veteran of the FBI, Robert Lustyik Jr., 51, of Sleepy Hollow, New York, pleaded guilty on Sept. 30, 2014, to an 11-count indictment charging him with conspiracy, eight counts of honest services wire fraud, obstruction of a grand jury proceeding, and obstruction of an agency proceeding. A childhood friend of Lustyik, Johannes Thaler, 50, of New Fairfield,

Connecticut, pleaded guilty today to conspiracy to commit bribery, obstruction of a grand jury proceeding and obstruction of an agency proceeding. Sentencing is scheduled for Jan. 5, 2015.

In court documents and at the plea hearings, Lustyik and Thaler admitted that from October 2011 to September 2012, Lustyik, while employed as an FBI counterintelligence special agent, and Thaler conspired to use Lustyik's official position to obstruct a criminal investigation into Michael Taylor, a businessman who owned and operated American International Security Corporation and was under investigation for paying kickbacks to obtain a series of contracts from the Department of Defense worth approximately \$54 million. Taylor promised Lustyik and Thaler that in exchange for their help, he would provide them cash and multimillion dollar business contracts. Taylor told the two men: "I'll make you guys more money than you can believe, provided they don't think I'm a bad guy and put me in jail."

Court documents state that Lustyik attempted to obstruct the investigation into Taylor by opening Taylor as an official FBI source in an effort to persuade the FBI, the Justice Department and the prosecutors and law enforcement agents investigating Taylor that Taylor's usefulness as a source outweighed the government's interest in prosecuting him. Lustyik also advocated on Taylor's behalf directly to the prosecutors and law enforcement agents, urging them to use Taylor as a cooperating witness and emphasizing that indicting Taylor would threaten the nation's security.

According to court documents, while Lustyik was obstructing the investigation into Taylor, Lustyik suggested that Thaler "blatantly" ask Taylor for money, emphasizing "he knows we are keeping him outta jail." Lustyik explained to Thaler that on his upcoming trip to meet Taylor in Lebanon, "Taylor is gonna hand you cash in Lebanon," "[I]ike 150 gs." When Thaler asked Lustyik how he was supposed to bring that much cash back to the United States, Lustyik instructed him "[i]n your pants. Or wire it? They won't stop 2 white guys at customs without a reason, [o]r I meet you at customs at JFK and cred you in."

Court records state that during the conspiracy, Lustyik and Thaler acknowledged that Taylor was probably guilty, but they boasted about their success in using Lustyik's official position to obstruct the investigation into Taylor, with Lustyik texting Thaler, "at this point IF he is indicted there is NO WAY he gets convicted even though he Prob did it." During the conspiracy, Lustyik texted Thaler, "I think we are rich by Christmas!!" When Thaler asked why, Lustyik responded, "he [Taylor] is gonna be free!!!!!!!!!!!"

Taylor pleaded guilty in the District of Utah to honest services wire fraud for his role in the scheme on Nov. 27, 2013. He is scheduled for sentencing on Jan. 5, 2015.

The investigation was conducted by Assistant Special Agent in Charge Tom Hopkins of the U.S. Department of Justice Office of Inspector General. The case is being prosecuted by Deputy Chief Peter Koski and Trial Attorney Maria Lerner of the Criminal Division's Public Integrity Section, and Trial Attorney Ann Marie Blaylock of the Criminal Division's Asset Forfeiture and Money Laundering Section. Scott Ferber of the Counterespionage Section of the National Security Division also assisted in the prosecution.

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