PRESS RELEASE

Two Senior SEPTA Maintenance Managers and Additional Co-Defendant Sentenced for Bribery and Fraud Scheme Against the Authority

Tuesday, July 19, 2022

For Immediate Release

U.S. Attorney's Office, Eastern District of Pennsylvania

PHILADELPHIA – United States Attorney Jacqueline C. Romero announced that David Abell, 73, of Chincoteague Island, VA, and Rodney Martinez, 51, of Blackwood, NJ, were sentenced today by United States District Court Judge C. Darnell Jones for bribery and fraud offenses in connection with a scheme to defraud SEPTA of approximately $900,000. Abell was sentenced to five years in prison, three years of supervised release, and was ordered to pay over $213,000 restitution and to forfeit nearly $96,300. Martinez was sentenced to two years and six months in prison, three years of supervised release and ordered to pay $292,000 restitution and to forfeit nearly $144,300. Both defendants had pleaded guilty to charges of federal program bribery and federal program theft -- Abell in November 2021 and Martinez in December 2021.

From about 2013 through 2019, management-level employees working in SEPTA's Bridges and Buildings Department ("BBD") including Abell, Martinez and Peter Brauner, 59, of Kintersville, PA, engaged in bribery and theft schemes with two SEPTA vendors. The BBD is responsible for maintaining, repairing, and renovating SEPTA facilities throughout the southeastern Pennsylvania region. To facilitate this work, SEPTA issued "procurement cards" (also known as P-Cards) to management-level employees working in the BBD. The P-Cards, which operate as SEPTA credit cards, are to be used for purchasing items needed for the legitimate work of the BBD.

In about 2013, Abell, who was the Senior Director of Maintenance at SEPTA, agreed with two codefendants who were SEPTA vendors, to exploit the P-Card system for their mutual benefit. Abell solicited the vendors to provide him with regular cash payments of approximately $1,000 to $2,000 per month. In exchange for those payments, the vendors falsely billed SEPTA through the P-Card system for items that the vendor was not providing to SEPTA. The false charges to SEPTA covered the cash payments to Abell, plus a substantial additional amount to generate fraud proceeds for the vendor. As part of the corrupt deals with the vendors, Abell encouraged other BBD managers to use and continue to use the vendors for SEPTA purchases, growing the vendors' business with SEPTA.

At various times, beginning around 2014, several other SEPTA BBD managers began engaging in similar fraud activity with the vendors. Those managers included defendant Martinez, who in 2016 replaced Abell as Senior Director of Maintenance and took over Abell's legitimate role in SEPTA's BBD, as well as his role in the fraud and bribery scheme. Martinez regularly solicited cash payments from the vendors under the same arrangement that the vendors had with Abell. The cash payments to Martinez totaled over $144,000. The cash payments to Abell totaled approximately $100,000.

Other BBD managers, including defendant Brauner, individually solicited the vendors for cash and personal items. The vendors agreed to provide the cash and personal items to the managers, and then fraudulently billed SEPTA to cover the cost of those payments and products and to generate additional fraud proceeds for themselves. The personal items provided to the managers included valuable gold coins, electronic devices and appliances, designer clothing, and expensive tools and equipment. Together, the two vendors defrauded SEPTA of roughly $900,000. Brauner, a lower-level participant in the scheme, was sentenced today to two years of probation, and was ordered to pay over $33,000 restitution, also by Judge Jones.

One of the corrupt vendors, Mark Irvello, was sentenced by Judge Jones in May 2022, to two years and six months in prison. The government charged a total of nine individuals who participated in this bribery and fraud scheme. All defendants have pleaded guilty and have been or will be sentenced by Judge Jones.

"Philadelphians deserve public employees who do their jobs honestly, without gaming the system to line their own pockets," said U.S. Attorney Romero. "At a time when SEPTA is facing significant challenges to continue serving and protecting its riders, the defendants' actions – and those of their co-conspirators – are the definition of selfish greed."

"Stealing money from SEPTA, which so many folks depend on day to day, is both shameful and shortsighted," said Jacqueline Maguire, Special Agent in Charge of the FBI's Philadelphia Division. "This is not the way to increase your take-home pay. The FBI takes federal program theft seriously and, as in this case, we'll work to ensure justice is done and fraudsters are held appropriately accountable."

"The auditors and investigators in the SEPTA Office of Inspector General worked diligently to uncover this difficult-to-detect fraud," said SEPTA Inspector General Denise S. Wolf. "Our ridership deserves that these wrongdoers be held accountable for their illegal activity. We express appreciation for the FBI and United States Attorney's Office for bringing these defendants to justice."

The case was investigated by the Federal Bureau of Investigation with the assistance of the SEPTA Office of Inspector General, and is being prosecuted by Assistant United States Attorney Louis D. Lappen. SEPTA's Internal Audit Division launched an investigation after receiving tips from employees, and the Authority's Inspector General shared the findings with the FBI.

Contact

UNITED STATES ATTORNEY'S OFFICE
EASTERN DISTRICT OF PENNSYLVANIA
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

JENNIFER CRANDALL
Media Contact
215-861-8300

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Eastern District of Pennsylvania
Main Office:
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

Email USAO-EDPA

Telephone: (215) 861-8200

Fax Line: (215) 861-8618