

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

FELONY

-against-

ALLEN WEISSELBERG (M 76),

Defendant.

CR-006672-24NY



STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

Senior Investigator Ryan Lemon, shield number 201, of the New York County District Attorney's Office ("DANY"), based upon his review of documentary evidence, transcripts, witness interviews, and conversations with DANY employees, states:

From on or about July 16, 2020, to on or about October 12, 2023, in New York County in the State of New York, the defendant, Allen Weisselberg, committed the offense of:

1. PL210.15 Perjury in the First Degree
(5 counts) (D felony)

In that the defendant swore falsely, and his false statements consisted of testimony, and is material to the action, proceeding or matter in which it is made.

The offenses were committed under these circumstances:

Summary

1. Beginning in 2019, pursuant to New York State Executive Law § 63(12), the New York State Attorney General ("OAG") began investigating whether the values of properties contained in Donald J. Trump's ("Mr. Trump") annual statement of financial condition ("SOFC") were being intentionally inflated (*In re: Financial Statements Investigation*) ("the Investigation"). It was material to the Investigation to identify who was responsible for assigning the inflated values to the properties. The defendant, Allen Weisselberg ("Weisselberg"), was the Chief Financial Officer ("CFO") of the Trump Organization ("TO") during the relevant period and intricately involved in assisting and overseeing the valuing of properties for the SOFCs from at least 2000 to 2021. In September 2022, the OAG filed an action, *People of the State of New York v. Donald J. Trump, et. al.* (Index. No. 452564/2022) ("the Proceeding"), which named Weisselberg as one of the defendants. The complaint alleges among other things that the defendants engaged in numerous acts of fraud and misrepresentation in the preparation of Mr. Trump's SOFCs for the years 2011 through 2021. In connection with these proceedings, a bench trial was commenced against Donald J. Trump, Trump Organization

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LLC, Allen Weisselberg, and other named defendants on October 2, 2023 (“the OAG Trial”) before Justice Arthur Engoron in New York County Supreme Court.

2. Weisselberg intentionally swore falsely at depositions during the Investigation and Proceeding, as well as at the OAG Trial, as described below, and his false testimony was material to each respective OAG proceeding.

Summary of Perjury Committed on July 17, 2020 (2 Counts)

3. On July 17, 2020, Weisselberg gave sworn testimony during a deposition in the Investigation. This testimony was provided under oath and was transcribed. One of the properties of interest to the OAG investigation and discussed during the deposition was Mr. Trump’s triplex apartment, located in Trump Tower (“triplex”). In the years 2012 through 2016, Mr. Trump valued his triplex by assigning it a size of 30,000 square feet. In actuality, the triplex was only 10,996 square feet. This discrepancy had the effect of inflating its value in some years by more than \$200 million.

4. During Weisselberg’s testimony, he was repeatedly questioned about the triplex’s square footage. Weisselberg testified that the use of the 30,000 square foot number between 2012 and 2017 came from TO employee #1, and that Weisselberg was unaware the square footage was incorrect. Weisselberg claimed that he did not become aware that the 30,000 square foot number was incorrect until Forbes Magazine (“Forbes”) published an article in May 2017, which was titled, “Donald Trump Has Been Lying About The Size Of His Penthouse.” Specifically, Weisselberg stated “[w]ell, we didn’t find out about the error until the Forbes article came out.” The 2016 SOFC was finalized on March 10, 2017, and valued the triplex using 30,000 square feet.

5. Weisselberg, was aware that prior to finalizing the 2016 SOFC on March 10, 2017, the triplex was only 10,996 square feet, and he intentionally testified falsely that he first learned about its true size in May 2017. The following timeline demonstrates that Weisselberg was aware of the triplex’s true square footage well before finalizing the 2016 SOFC.

- a. On February 2, 2012, Weisselberg was copied on an email attaching the First Amendment to the Declaration of the Trump Tower Condominium, a condominium amendment signed by Mr. Trump and relating to his triplex (“Triplex First Amendment”), which indicated the triplex consisted of 6 apartments totaling 10,996 square feet;
- b. On August 16, 2016, a Forbes reporter emailed Weisselberg and aptly questioned whether Mr. Trump owned only certain apartments on the floors where his triplex is located and by implication called into question the size of the triplex;
- c. On August 18, 2016, just two days after the August 16, 2016 Forbes email to Weisselberg questioning the triplex’s size, TO employee #2 emailed Weisselberg the Triplex First Amendment, which detailed its size at 10,996 square feet, and the Trump Tower Declaration – Schedule B;

- d. On or about August 18, 2016, TO employee #3, a subordinate of Weisselberg, was asked to review the Triplex First Amendment and Trump Tower Declaration – Schedule B and to perform calculations to verify the accuracy of the information contained in the Triplex First Amendment as it related to the size of Mr. Trump’s triplex.
- e. On February 22, 2017, another Forbes reporter, emailed Weisselberg a list of valuations for Mr. Trump properties. On this list, Forbes identified the triplex as being 10,996 square feet for the first time and reduced its value from \$100 million in 2016 to \$64 million;
- f. Between March 3–6 of 2017, Forbes emailed TO’s counsel questions they had about Mr. Trump’s properties. One of the emails, forwarded to Weisselberg by TO counsel, identified that Forbes had specifically reviewed the Triplex First Amendment and again called into question the size of the triplex, stating that they believed the triplex is not “33,000 square feet” as Mr. Trump had previously “told Forbes,” but rather only 10,996 square feet. The Forbes reporter requested that the TO identify whether the Triplex First Amendment accurately depicted the triplex at 10,996 square feet. Based on this request, TO counsel directed TO employee #4, to speak with Weisselberg to see whether there was a need to challenge what Forbes had stated. In an email from TO employee #4 to TO counsel, TO employee #4 stated that they spoke with Weisselberg and that they should “leave it alone” (*i.e.*, the TO would not challenge Forbes’ view that the triplex was only 10,996 square feet). During an interview with TO employee #4, with DANY, TO employee #4 stated that they would not have written the email to TO’s counsel unless they had spoken directly with Weisselberg about the triplex.

6. During the OAG deposition, Weisselberg made an additional false statement relating to the triplex, denying when asked whether he had ever been present while Mr. Trump described the size of his triplex. In fact, Weisselberg, according to Forbes, was present for an audio recorded meeting on September 21, 2015, between Mr. Trump and Forbes reporters in the triplex, where Mr. Trump stated that the size of the triplex was “33,000 square feet.”

Summary of Perjury Committed on May 12, 2023 (1 Count)

7. On May 12, 2023, Weisselberg gave sworn testimony during a discovery deposition conducted by the OAG in the Proceeding. During the deposition, the OAG inquired as to Weisselberg’s and others’ involvement in valuing properties for the SOFCs. In response to this inquiry, Weisselberg intentionally swore falsely by denying his involvement in determining what numbers went into valuing properties for the SOFCs, and he did so regardless of whether the question called for a response relating to his involvement. For example, when Weisselberg was asked what he did with the SOFC after it was provided to him for his review, he responded by saying “I – I didn’t delve into the numbers.” When the questioner asked about TO employee #5 (the TO’s Assistant Vice President of Financial Operations) and their working relationship with TO employee #6 (the former TO Controller), rather than responding to the question,

Weisselberg stated “[s]o I relied on their numbers and whatever analysis they did. So I didn’t focus much on the numbers . . . and that was pretty much my involvement in the statement.” In addition to these statements, Weisselberg reiterated throughout the deposition his lack of involvement in assigning values to the properties in the SOFC.

8. These statements were false as Weisselberg was significantly involved in determining what methodology and numbers were used to value properties in the SOFCs. The evidence of the falsity includes Weisselberg’s own prior sworn deposition testimony in 2008 and 2020, which confirms that he was in fact responsible for valuing the properties in the SOFCs, including describing how he applied his methodology. In addition to Weisselberg’s own prior sworn testimony, TO employee #5—who worked directly with Weisselberg on the SOFCs from late 2015 through 2021—repeatedly stated in his sworn OAG depositions and trial testimony that Weisselberg worked on valuing properties and often instructed him on what metrics to use including assigning cap rates and providing TO employee #5 with comparable properties to value properties listed in the SOFCs. In addition, there are also emails from Weisselberg to TO employee #5 and TO employee #6 directing them to use certain comparable properties for valuing SOFC properties.

Summary of Perjury Committed on October 10, 2023 (2 Counts)

9. On October 10, 2023, the OAG called the defendant, Weisselberg, to testify as a witness at the OAG Trial. During the defendant’s trial testimony, the OAG inquired whether the reason Weisselberg did not respond to a Forbes reporter who emailed him in February 2017 that the triplex was 10,996 square feet was because by then, Weisselberg already knew that 10,996 square feet was the correct square footage. In response to this inquiry, Weisselberg intentionally swore falsely that his lack of a response was due to the fact that he was never focused on the triplex, and he did so intentionally even when the OAG’s questions did not call for a response relating to his focus on the triplex. For example, on October 10, 2023, Weisselberg was asked by the OAG, “As you sit here today, you don’t recall if you did anything or directed anyone to do anything in connection with correcting Forbes as to the square footage of the apartment in or about February of 2017, is that correct?” In response, Weisselberg said, “I never focused on the triplex, to be honest with you. . . . I [wasn’t] focused on Donald’s triplex at that time or -- it was part of other assets . . . so I didn’t really focus on it.” When the OAG asked Weisselberg whether he recalled discussing the triplex with TO employee #4, Weisselberg again offered that “he never focused on the apartment,” and that he “never thought about that apartment.”


10. These statements were false as Weisselberg clearly focused on the triplex and its valuation in relation to the SOFCs. Emails and conversations that took place between Weisselberg and Forbes reporters between 2012 and 2017 regarding what value Forbes should assign to the triplex indicate that Weisselberg in fact paid close attention to the triplex. For example, according to Forbes, in 2012, “Allen asked why we count large private estates for other billionaires and not Trump. He said we should be including his NY penthouse. He thinks it’s worth more [than] \$88m.” In 2013, a Forbes reporter memorialized that, “Now Allen says it’s worth \$200M, and there’s no debt.” In 2014, a Forbes reporter once again memorialized their conversation with Weisselberg regarding the triplex: “Now Allen says it’s \$163m with 0 debt.” “He is sending us sales records for One57”—a luxury apartment building nearby, which Trump’s

financial statements also referenced—“and then applying a per-square-foot rate, based on 30k sf.”

11. Additional evidence of Weisselberg’s focus on the triplex includes a March 3, 2016 email chain between Weisselberg and TO employee #7 (then Managing Director at Trump International Realty), in which TO employee #7 sends Weisselberg an email that is related to Mr. Trump’s triplex as it contains prices per square foot for what appears to be apartment units in non-Trump-owned buildings. TO employee #7 concludes their email with: “There aren’t many over 10,000 sqft apartment sold last year so please let me know the above info is sufficient for your search.” Weisselberg replied: “Thank you. This is very helpful,” and forwards the email to TO employee #6 who had responsibility for assisting in valuing the triplex for the SOFCs.

12. During the OAG Trial, Weisselberg made additional false statements relating to the triplex, denying he did anything to check the correct square footage of the apartment prior to the finalization of the 2016 SOFC. The OAG inquired whether Weisselberg did anything to check the correct square footage of the triplex in connection with receiving an email from a Forbes reporter containing the correct square footage in February 2017. Weisselberg falsely responded, “I didn’t personally.” The OAG also asked whether in 2016 or 2017 Weisselberg checked—or thought to check—the Triplex First Amendment, which contained the correct square footage of the triplex. In response, Weisselberg denied both that he checked or thought to check the Triplex First Amendment. Further, the OAG asked Weisselberg whether he did anything to check the correct square footage of the triplex, specifically before signing a representation letter to the TO’s accountants, Mazars, certifying the accuracy of the 2016 SOFC on March 10, 2017. Weisselberg again denied doing anything to check the correct square footage. Weisselberg knew that this testimony was false, and the truth was that he thought to check, and did in fact check, the Triplex First Amendment on or about August 18, 2016, when Weisselberg received it from TO employee #2 in an email. The August 18, 2016 email from TO employee #2 was sent only two days after a Forbes reporter emailed Weisselberg questioning the inflated size of the triplex and about six months before another Forbes reporter included the correct square footage of the apartment in an email in March 2017 that Weisselberg was forwarded.

False statements made herein are punishable as a class A Misdemeanor pursuant to Penal Law § 210.45.


Ryan Lemon

Dated: March 4, 2024
New York, New York