

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA

v.

CALVERT WHITE,

and

BENJAMIN HENDRICKS

Defendants.

CASE NO.: 3:25-cr-2

Honest Services Wire Fraud, 18 U.S.C. §§ 1343, 1346, 2; Federal Program Bribery, 18 U.S.C. §§ 666(a)(1)(b) and 2; Forfeiture, 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c)

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INDICTMENT

THE GRAND JURY CHARGES THAT:

All dates and times in this Indictment are alleged to be “on or about” the specific date stated, and all amounts are alleged to be “approximately.” At all times material to this Indictment:

GENERAL ALLEGATIONS

1. The Virgin Islands Department of Sports, Parks, and Recreation (SP&R) is an agency of the United States Virgin Islands (“USVI”). It is led by a Commissioner, who is subject to the authority of the Governor of the USVI.

2. The USVI received, during each year from 2023 through 2024, benefits in excess of \$10,000 under a federal program involving a grant, subsidy, guarantee, and other form of federal assistance.

3. The functions and duties of the USVI SP&R Commissioner include, but are not limited to, executing the stated mission of the SP&R, which includes administering public recreation programs; providing and maintaining parks, recreation areas, and sports complexes for public use and enjoyment; and administering, managing, regulating, and controlling the use and

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operation of all public parks, lands for public recreation, marine parks, and such others as may be designated by regulations by the Commissioner.

4. Defendant CALVERT WHITE was, at all times relevant to this Indictment, the USVI SP&R Commissioner. WHITE was nominated to this role by the Governor of the United States Virgin Islands in April 2019. As the SP&R Commissioner, WHITE was an agent of the USVI, and he exercised substantial influence over the administration of contracts between the SP&R and vendors in the USVI.

5. Defendant BENJAMIN HENDRICKS is a government contractor who owns and operates a company called A Clean Environment (ACE) on the USVI.

6. The laws of the USVI set forth ethical standards of conduct for USVI employees that prohibited the use of public office for private gain. These ethical standards of conduct generally prohibited a USVI public official from using his office for improper advancement of his own, or his family's, personal or financial interests or the interest of any person. These laws further prohibited public officials from soliciting or accepting money or other benefits or advantages for himself or another person for doing any act or omitting to do any act in the performance of his functions as a public official.

7. As a public official of the USVI, WHITE owed a fiduciary duty to the USVI and the citizens of the USVI to perform the duties and responsibilities of his office free from corrupt influence. As the SP&R Commissioner, WHITE was prohibited from disclosing confidential bid information.

8. David Whitaker, charged elsewhere, operated Mon Ethos Pro Support, LLC (Mon Ethos or MEPS), a cyber-security firm he established in the USVI, as a government contractor for

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the VIPD and other government entities. Whitaker also operated a subsidiary of Mon Ethos called Office of Data Discovery Forensic Analysis (ODDFA).

COUNT ONE
18 U.S.C. §§ 1343, 1346, 2
(Honest Services Wire Fraud Scheme)

I. The Scheme to Defraud

9. From in or around December 2023, through in or around June 2024, in the District of the Virgin Islands, defendant CALVERT WHITE, aided and abetted by defendant BENJAMIN HENDRICKS, devised and intended to devise a scheme and artifice to defraud and to deprive the Virgin Islands and the citizens of the Virgin Islands of their intangible right to the honest services of defendant WHITE, the Virgin Islands Commissioner of SP&R.

A. The Purpose of the Scheme

10. The purpose of the scheme was for defendant WHITE to unlawfully benefit and enrich himself by accepting bribes from David Whitaker.

B. The Manner and Means of the Scheme

11. The manner and means by which defendants WHITE and HENDRICKS carried out the scheme included, but were not limited to, the following:

12. Defendant WHITE, corruptly solicited, demanded and accepted, things of value from Whitaker, including, but not limited to, a \$16,000 bribe solicitation and a \$5,000 bribe payment from Whitaker through Defendant HENDRICKS. WHITE solicited, demanded, accepted, and agreed to accept money and other things of value, in exchange for agreeing to take, and taking, official actions for Whitaker and violating WHITE's lawful duty as a USVI official, including advocating for Whitaker in contract negotiations between Whitaker's company and the

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USVI's Property and Procurement Department; agreeing to advise and pressure SP&R officials to award Whitaker contracts; and authorizing and approving Whitaker's company's bid for a SP&R contract.

13. Defendant WHITE also solicited, demanded, and accepted things of value from Whitaker with the intent to act and omit to act in violation of WHITE's lawful duty to the USVI and its citizens. For example, WHITE disclosed to Whitaker confidential information concerning contract bids before the SP&R.

14. Defendant HENDRICKS aided and abetted Defendant WHITE in soliciting and obtaining the bribe payment from Whitaker to WHITE.

15. Defendant WHITE, through a variety of means, concealed the scheme, and attempted to conceal the scheme, including, but not limited to, by using defendant HENDRICKS to facilitate and obtain the bribe payment from Whitaker, by concealing his involvement in the Evaluation Committee's evaluation of the bids for the contract, and by deleting incriminating evidence from his phone.

C. Acts in Furtherance of the Scheme

16. The acts caused and committed by defendants WHITE and HENDRICKS in furtherance of the scheme, included, but were not limited to, the following:

WHITE Solicits Whitaker for Bribes Through HENDRICKS

17. In December 2023, SP&R publicly published a Request for Proposal (an "RFP") for a contractor to hang security cameras at SP&R facilities across the Virgin Islands. On

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December 19, 2023, Whitaker submitted a \$2.1 million bid on behalf of Mon Ethos in response to the RFP.

18. On December 28, 2023, defendant WHITE called Whitaker, but the call went to voicemail. Whitaker returned WHITE's call and the following conversation was recorded:

WHITE:	David.
Whitaker:	Hey, how you doing?
WHITE:	I'm good. How you doing?
Whitaker:	I'm doing well, thanks.
WHITE:	Okay. Did you get a chance to sit down and talk to Benji?
Whitaker:	Um for just a couple seconds. Not long so but I will.
WHITE:	Okay. You guys need to have that conversation and you need to do it sooner than later. Okay?
Whitaker:	Okay, I'll do it right now.
WHITE:	We're we're umm, ahh... we're probably going to be discussing that project really soon so just when you get a chance, sit down and talk to him.
Whitaker:	Will do.

19. Following this call, defendant HENDRICKS approached Whitaker on St. Croix, where Whitaker was working that day. HENDRICKS told Whitaker that Whitaker would need to pay \$16,000 to WHITE to ensure his bid would win the SP&R contract.

20. After this meeting between HENDRICKS and Whitaker, WHITE sent the following Whatsapp message to Whitaker:

WHITE:	Did u talk to Benji about that situation?
Whitaker:	Yes.
Whitaker:	Running around getting last minute things done. I spoke to him. All good.

21. Later that same night, December 28, 2023, Whitaker and HENDRICKS had the following conversation:

Whitaker:	The other thing – I just want to make sure I heard you right. He only wants one percent? 16,000?
HENDRICKS:	I told him 16, he say "Benji I easier". So, if you want...

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Whitaker:	I mean that seems...
HENDRICKS:	...It's up to you.
Whitaker:	I just, I just want to make sure he's getting what he...
HENDRICKS:	Yeah yeah well, I mean. That's what he said. So, you know...
Whitaker:	That's a lot of money for..
HENDRICKS:	Yeah yeah yeah so you know. I mean if he...
Whitaker:	I feel kind of bad [inaudible]
HENDRICKS:	If he if he if he wants to change it you know and say...But that's what he told me.
Whitaker:	You think he'll keep coming back or [inaudible] one time?
HENDRICKS:	Yeah yeah yeah we'll see. We'll see.

In Exchange for Bribes, WHITE discloses confidential bid information to Whitaker and Advocates for Whitaker to Win the RFP

22. On January 2, 2024, Whitaker met with defendants WHITE and HENDRICKS in St. Croix, USVI at the Virgin Islands Police Department (VIPD) Mobile Command Center. The meeting was recorded and during that meeting, WHITE stated the following:

Okay, so first off, let me say I don't need to tell you guys the sensitivity of this [inaudible] stuff like that. I have seen people lose a job, seen people gone to jail over something like this. Umm, [inaudible] for some reason the lady that prepare that stuff I think from P&P, I get a sense that she has something against someone.

[Break]

Umm I want to show you all a document on my phone I don't want [inaudible] and I don't want you to take a picture of it. I've been doing this a while, and I know the less evidence you have, the better you'll be. So I hope you all got a photographic memory because I want you take a look at this document. So, this is everybody's bid what came in – what they put in the bid and what they [inaudible]. Again, everybody was over. [Another company] came the closest at 1.8, but for some reason I feel that this lady is working with [that company].

23. Defendant WHITE then showed Whitaker what WHITE purported to be details regarding two other bids associated with the RFP for the contract to hang security cameras at SP&R facilities across the Virgin Islands that Whitaker submitted a \$2.1 million bid on behalf of Mon Ethos.

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24. Defendants WHITE and HENDRICKS, and Whitaker left the command center, and the conversation continued:

WHITE:	Umm does does Thomas know the relationship?
Whitaker:	Nobody does.
WHITE:	Okay.
Whitaker:	Most people don't even know we know each other.
WHITE:	Alright. Benji gonna be able to give me a little something to go into that meeting?
Whitaker:	[inaudible]. That's kind of low.
WHITE:	[inaudible] I I just, I'm I'm glad that somebody, I want somebody else to get it. I don't have a real good relationship with [the other company]. And like I said, once you get it, I want to make sure you get it first. Once you get it, you're a standup guy, I know you. [Inaudible] say listen, I just gave you \$1.6 million [inaudible]. I was just trying to say, I wasn't even supposed to be in the evaluation. You know when Benji called me I said well I'm going to try to get in because you already see that this lady is trying to [inaudible]. I already told her now I'm going to be part of the evaluation. She said "okay, Commissioner it's your project."
Whitaker:	[inaudible]
WHITE:	I thinking, I think maybe she's not. I took it that way. Maybe she's not, I don't know. But I just took it as is. She was just mentioning [the other company] too much and then actually I in charge, I in charge.
	[break]
Whitaker:	And then just let me know how you want me to get you the sixteen that we talked about
WHITE:	Yeah, no it can't be a check or nothing like that.
Whitaker:	(Laughter)
WHITE:	Umm, what you want to do it in installments?
Whitaker:	Whatever you want.
WHITE:	No, you tell me man.
Whitaker:	Umm, what is best [inaudible] give it to Benji?
WHITE:	[inaudible]
Whitaker:	And then he can just figure out how to do it.
WHITE:	[inaudible] Like I said, you're a good guy man. A lot of people came in here and wasn't sure umm... This isn't for me to [inaudible]
	[HENDRICKS heard in the background]
Whitaker:	There's plenty of money for [inaudible] especially if you're [inaudible] we're good. [inaudible].
WHITE:	I'll let Benji deal with it, just get him whatever you can.

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25. After this meeting ended, Whitaker met with defendant HENDRICKS. During that meeting, HENDRICKS instructed Whitaker to “get him four going into the [Thursday] meeting.” Approximately one hour after this meeting, HENDRICKS texted Whitaker saying that it needed to be “5k for C.”

26. On January 3, 2024, Whitaker called HENDRICKS regarding how to wire the money to him:

Whitaker:	So, if it's good with you, since I've sent you wires before, I'll just go ahead and send you a wire for Calvert and then you can grab the money and go do what....That way he'll know we've sent it. Because...
HENDRICKS:	Yeah, that's fine that's fine.
Whitaker:	I don't want him to go into a meeting thinking...
HENDRICKS:	Right right right right.
Whitaker:	...arguing to get this for us and then not have the money
HENDRICKS:	Right right right right right right right. You're right, you're right.
Whitaker:	I know he trusts us and everything but I...
HENDRICKS:	Yeah he does he does. I mean you know.
Whitaker:	I just would rather people know we're paying them.
HENDRICKS:	Mhmm mm. Yeah that's fine.
Whitaker:	That's uhh the big thing. So I'll do that as soon as I get back to the uhh hotel.
HENDRICKS:	Okay.

27. After this call, on January 3, 2024, Whitaker wired \$5,000 from his First Bank account to HENDRICKS's company's First Bank account. The wire included a field “Additional Information for Recipient” that stated “Partial payment for the contract.” After sending the wire, Whitaker texted HENDRICKS:

Whitaker:	Wire sent for Cal. It should be in your account tomorrow.
Whitaker:	Let me know if you want me to email you the confirmation. I don't have your email address with me.
HENDRICKS:	Gbenjamin.ace@gmail.com

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28. On January 8, 2024, WHITE went to Whitaker's office to meet in person. Whitaker recorded the in-person meeting with WHITE. The following discussion regarding an upcoming RFP meeting occurred during this meeting:

WHITE:	They came in at 1.8. They came in at 1.8. The two other companies I think was like at two million or something like that. But obviously because there was way more cameras and stuff like that.
Whitaker:	We had umm, we had done those drawings you talked about and Anthony said "No David, you got to go by the points. They're not giving you points for those drawings, so they don't want them."
WHITE:	We're, we're not umm...
Whitaker:	So now, but, knowing they did it we'll do it to... you know
WHITE:	They did. They did. You was able to see the facility and see where they're they're going to have cameras and how many cameras they're putting in each facility. They only had, I think a total of 50 cameras, 54 cameras....
Whitaker:	We're still, we're still going to give you more than that
WHITE:	54 so I would I would I would I would do as many as you can but keep it under that 1.6. Because if we're getting more, if we're getting more cameras and it's still under that one, of course we're going to go with you all. So...
Whitaker:	Yea. We'll make adjustments to things other than the cam- we'll remove the microphones and the sirens. We don't need that.
WHITE:	Okay. Yeah. We don't need all that. We don't need we don't all that.
Whitaker:	And that gets you under one point and that gets you under right away.
WHITE:	Yeah, so I would just say, you know "keep in mind this was a proposal. We didn't know what all you guys wanted, what all you needed, inside/outside. But a lot of this stuff is if you want something elaborate. We don't need to put microphones." I don't need alerts and stuff like that...
Whitaker:	Yeah
WHITE:	Umm we would just want to be able to see what happened in case there's an incident – somebody vandalizes, uhh there's violence or something. We can say "Hey VIPD, there's a recording." Let's go back and see what it, what happened.
	[Break]
WHITE:	[As Whitaker is walking White out of the office] You sent some of that stuff (inaudible)?
Whitaker:	What's that?
WHITE:	You sent some of that stuff to him?
Whitaker:	Oh yeah yeah yeah. I've already sent it.
WHITE:	(inaudible)
Whitaker:	Hmm?

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WHITE:	(inaudible)
Whitaker:	No, I...
WHITE:	Oh, that's what he was saying.
Whitaker:	That's what he asked for.
WHITE:	Okay.

29. On January 18, 2024, WHITE texted HENDRICKS the following via WhatsApp:

WHITE:	Let David know I cannot go into this meeting today and fight for him unless he settles with me
HENDRICKS:	Done deal I'm on it

30. On January 19, 2024, Whitaker participated in a video teleconference with an Evaluation Committee from the Virgin Islands Property and Procurement Department to discuss his bid for the SP&R RFP. This Evaluation Committee was tasked to recommend the company that would receive the contract. While in this meeting, WHITE and HENDRICKS both separately texted Whitaker:

WHITE:	1:19 PM	Letting you know I'm watching
WHITE:	1:19 PM	Lionel roberts right now
Whitaker	1:21 PM	"Liked" Letting you know I'm watching
HENDRICKS:	1:23 PM	Good afternoon call Calvin [sic] asap now right away
HENDRICKS:	1:24 PM	Sports parks and recreation
Whitaker:	1:24 PM	I'm in the meeting with them
Whitaker:	1:24 PM	Ask him to text me
HENDRICKS	1:25 PM	I know he's trying to reach you
WHITE:	1:27 PM	Make sure you reiterate that cost can be decrease by reducing the number of drops/cameras

31. On February 5, 2024, Whitaker called WHITE. When Whitaker called WHITE, WHITE purported to be on a conference call discussing the SP&R RFP on a separate phone line.

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Individuals from the Evaluation Committee could be heard in the background of this call. During this call, WHITE told Whitaker: “Hold on a second because I’m now telling them I selected MEPS but I need to figure out how to get this number down. Hold on a second.” Discussion can be heard after this regarding the Mon Ethos bid proposal.

32. Later that day, on February 5, 2024, Whitaker returned a missed call to HENDRICKS. The following exchange occurred on that call:

HENDRICKS:	Hello.
Whitaker:	Hey, how you doing?
HENDRICKS:	Good and yourself? How you doing? You heard from uhh Calvert?
Whitaker:	Yeah, I did. I assumed that’s why you were calling.
HENDRICKS:	Yeah, yeah, yeah, uhuhh, mmmm. Yeah. So what what what they waiting on? He say?
Whitaker:	Umm no he said we got it. They’re just trying now to decide the price. Umm or you know, choose the numbers around how much it’s going to...
HENDRICKS:	What number?
Whitaker:	you know cost. Yeah.. Or how much we’re gonna, how much they’re gonna go down too. There’s a, they have a budget of 1.6 or 1.5 or something and...
HENDRICKS:	Good good good good good good
Whitaker:	We’ve gotta figure out how to bring it down.
HENDRICKS:	Yeah, I made a phone call to to an individual. Actually one of, one of, one of the Senators. And he said “Benji, don’t worry about it.” Uhh, you know so...
Whitaker:	Hmm, there you go.
HENDRICKS:	He said “They’ll get it.”

33. Whitaker, through his company Mon Ethos, agreed to reduce its bid amount and eventually resubmitted a bid for \$1.43 million. On February 26, 2024, WHITE emailed the entire Evaluation Committee and stated: “Good day [head of Evaluation Committee], The department has accepted the revised cost proposal and would like to move forward with contracting and a notice to proceed.”

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34. On March 12, 2024, the Evaluation Committee recommended that Mon Ethos receive the contract with SP&R for \$1.43 million.

35. On April 3, 2024, 90 days after Whitaker wired the \$5,000 bribe payment to HENDRICKS that was intended for WHITE, WHITE deposited \$5,000 into his Banco Popular account.

WHITE Deletes Evidence to Conceal the Scheme

36. In June 2024, the Federal Bureau of Investigation (FBI) obtained search warrants for WHITE’s and HENDRICKS’S cellular telephones and executed those search warrants on June 12, 2024. A review of WHITE’s phone showed that some of the above-referenced text and WhatsApp messages between Whitaker and WHITE were deleted, including the following Whatsapp message exchange between WHITE and Whitaker on December 23, 2023:

<i>WHITE:</i>	Did u talk to Benji about that situation?
<i>Whitaker:</i>	Yes.
<i>Whitaker:</i>	Running around getting last minute things done. I spoke to him. All good.

37. The following January 19, 2024, text exchange between WHITE and Whitaker, sent during a video teleconference meeting of the Virgin Islands Department of Property and Procurement that discussed Whitaker’s bid for the SP&R RFP, was also deleted from WHITE’s cell phone:

<i>WHITE:</i>	1:19 PM	Letting you know I’m watching
<i>WHITE:</i>	1:19 PM	Lionel roberts right now
<i>Whitaker</i>	1:21 PM	“Liked” Letting you know I’m watching
<i>WHITE:</i>	1:27 PM	Make sure you reiterate that cost can be decrease by reducing the number of drops/cameras

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38. On or about January 3, 2024, in the District of the Virgin Islands and elsewhere, defendants CALVERT WHITE and BENJAMIN HENDRICKS, for the purpose of executing the above-described scheme and artifice to defraud and deprive, knowingly transmitted, and caused to be transmitted, by means of wire and radio communication in interstate commerce, the following signals and sounds: Electronic transmission received by defendant BENJAMIN HENDRICKS in his First Bank Account ending in 2774 from Mon Ethos's First Bank account 0410 for \$5,000.

All in violation of Title 18, United States Code, Sections 1343, 1346 and 2.

COUNT TWO
18 U.S.C. §§ 666 (a)(1)(B) and 2
(Bribery Concerning Programs Receiving Federal Funds)

39. The allegations in paragraphs 1 through 38 of this Indictment are realleged and incorporated by reference as if fully set forth herein.

40. Beginning on or about December 2023, and continuing through on or about June 2024, in the District of the Virgin Islands, defendant CALVERT WHITE, the Commissioner of the USVI SP&R at the time and an agent of the USVI, aided and abetted by defendant BENJAMIN HENDRICKS, did knowingly and corruptly solicit, demand, accept and agree to accept, something of value from another person, that is a \$16,000 bribe payment from Whitaker, intending to be influenced and rewarded, in connection with a business, transaction and series of transactions of the United States Virgin Islands that involved \$5,000 or more, that is: advocating for Whitaker in contract negotiations between Whitaker's company and the USVI's Property and Procurement Department; agreeing to advise and pressure SP&R officials to award Whitaker contracts;

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authorizing and approving Whitaker's company's bid for a SP&R contract; and disclosing to Whitaker confidential information concerning contract bids before the SP&R.

All in violation of Title 18, United States Code, Sections 666(a)(1)(B) and 2.

FORFEITURE NOTICE

41. The factual allegations of paragraphs 1-38 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. §§ 982(a)(1), 981(a)(1)(C), 1961(1)(B) and 28 U.S.C 2461(c).

42. Upon conviction of any of the offenses in violation of Title 18, United States Code, Sections 666(a)(1)(B), and 1343 in Counts Two and Three of this Indictment, the defendant

CALVERT WHITE


shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 982(a)(1), and 981(a)(1)(D), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s). The property to be forfeited includes, but is not limited to, the following: \$5,000.

43. Forfeiture may include a money judgment in the amount of \$ 5,000 against defendant CALVERT WHITE individually, for any portion of the gross proceeds attributed to each defendant and obtained from the offenses in Counts Two and Three that cannot be recovered.

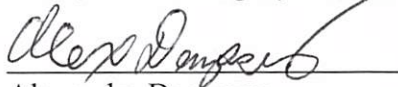
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Dated: January 8, 2025

DELIA L. SMITH
United States Attorney

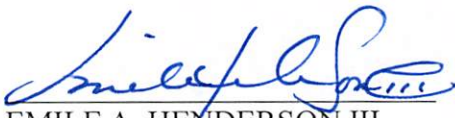
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DISTRICT COURT OF THE VIRGIN ISLANDS: Returned into the District Court this 8th
day of January, by Grand Jurors and filed.

2025


EMILE A. HENDERSON III
United States Magistrate Judge
District of the Virgin Islands