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U.S. attorney investigated in strip club case

By Kelly Thornton

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Justice Department investigators are trying to determine if a federal prosecutor and at least one FBI agent in Las Vegas had unethical relationships with a strip club owner who is at the center of corruption investigations in San Diego and Las Vegas.

The investigators, lawyers from the Justice Department's Office of Professional Responsibility in Washington, recently visited Las Vegas and San Diego, where they interviewed club owner Michael Galardi, former San Diego Cheetahs manager John D'Intino and FBI spy Tony Montagna, among others, sources in both cities said.

Galardi has told officials that Las Vegas Assistant U.S. Attorney Eric Johnson visited the Cheetahs strip club in Las Vegas and received favors there. He also said an FBI agent accompanied him to golf outings and NFL games and was on his payroll, said sources who declined to name the agent. Johnson was removed from the case. The FBI agent has been reassigned to another city.

The Justice Department lawyers questioned Galardi, D'Intino, Montagna and others about whether Johnson and FBI agents had visited Jaguars or Cheetahs in Las Vegas, clubs owned by Galardi at the time. Montagna is a longtime FBI informant who befriended Galardi and D'Intino and became director of security for the Cheetahs clubs.

Among other things, they were asked if FBI agents had attended golf tournaments or professional football games with Galardi. The sources spoke on condition of anonymity because the investigation is secret.

The investigation is important to the San Diego case because Galardi's credibility is at stake. He is a star witness in corruption investigations in both cities, and has consented to testify against San Diego city councilmen and Las Vegas politicians as a condition of his plea agreement on wire-fraud conspiracy.

If Galardi's allegations about Johnson and FBI agents were confirmed, it would bolster his believability, and prosecutors in San Diego could better fend off defense attorneys' efforts to discredit Galardi's testimony against

the councilmen.

Federal officials in San Diego and Las Vegas declined to comment, saying internal investigations are not public information.

In San Diego, Galardi has told prosecutors he bribed San Diego City Councilmen Ralph Inzunza, Charles Lewis and Michael Zucchet in return for promises that they would try to abolish a city law forbidding touching between strip club dancers and patrons. Galardi has identified his former lobbyist, Lance Malone, as his accomplice. The government has said Galardi's testimony will be corroborated by hours of secretly recorded conversations.

The councilmen and Malone have denied the accusations. Their lawyers have said the councilmen never accepted bribes and that any money received was in the form of legally reported campaign contributions. The lawyers dispute that recorded conversations show evidence of bribes.

At the first plea negotiation meeting between Galardi and federal officials in Las Vegas last summer, shortly before Aug. 28 indictments in San Diego, Galardi told authorities he recognized Johnson.

The information almost derailed Galardi's plea negotiations in Las Vegas because officials at first did not believe him. Johnson, who has denied visiting the clubs or knowing Galardi, was replaced on the case by Assistant U.S. Attorney Dan Scheiss.

After Galardi made the allegations against Johnson, there were rumors Galardi lied and that he later recanted his story. An internal investigation got under way. Johnson told reporters that he had been exonerated.

"The allegation was (Galardi) extended to me these comps (gifts and favors), and I hadn't reported the relationship or the comps when I became assigned to the case," Johnson said in an interview earlier this year. "I've never been in Cheetahs, I've never been in any Galardi establishment and I never had met Michael Galardi prior to him making these accusations.

"I was removed because of a potential conflict of interest. It created an issue that here the prosecutor is, prosecuting someone who's accusing him."

Johnson said he received a letter from the Office of Professional Responsibility, the Justice Department's internal affairs unit, dated Sept. 24, 2003.

"Our investigation is now complete. Based on the results of our investigation we conclude the allegations against you are not supported by a preponderance of the evidence," Johnson said, quoting from the letter. He declined to fax a copy of the letter to *The San Diego Union-Tribune*.

Johnson also said Galardi had recanted. "It's my understanding that his attorney stated to the prosecutors here (Las Vegas) that the information Galardi had provided about me was not truthful."

Similar comments from Johnson were published in the *Las Vegas Review-Journal* several months ago. Johnson's published comments put him in the awkward position of having publicly disparaged a government witness. The Justice Department lawyers are investigating him for that as well, the sources said. That investigation is ongoing.

Johnson declined to make additional comments recently.

The Justice Department lawyers have recently concluded that Galardi never recanted his story about Johnson, the sources said. It's unclear whether the investigation of the FBI agents is completed, or if the lawyers have concluded whether Johnson visited Cheetahs.

A judge will determine whether the issue can be raised by either side in court.

A trial date in San Diego has not been set because evidence is voluminous, the case is complex and each round of pretrial motions requires months of preparation. The trial is unlikely to happen before next spring.

The Justice Department lawyers declined to comment, as did federal prosecutors and FBI agents involved in the Las Vegas and San Diego corruption cases. Galardi's lawyer, Bob Rose, did not return a call seeking comment. D'Intino's lawyer, Geoff Morrison, and Montagna declined to comment.

Inzunza's attorney, Michael Pancer, said he was disturbed to hear that Johnson is under investigation.

"If the government's going to punish prosecutors for honestly speaking their mind, because what they say disagrees with what some informant who's testifying for benefit says, we're in a really sorry state," Pancer said. "I think Eric Johnson is a fine prosecutor, he is a very well-respected prosecutor. That would be absurd for the government to do that."

Pancer said the issue could have a huge impact on either side, depending on whether Galardi told the truth about Johnson.

The Office of Professional Responsibility, which reports directly to the attorney general, is responsible for investigating allegations that Justice Department attorneys have engaged in misconduct.

The office also has jurisdiction to investigate allegations of misconduct by law enforcement personnel, such as the FBI, when such allegations are related to attorney misconduct. The office reports its findings and conclusions to the attorney general and other appropriate officials.

In 2001, the most recent fiscal year for which statistics are available, the Office of Professional Responsibility opened 78 investigations, down from 89 the previous year. The 78 investigations involved 113 allegations of misconduct. The majority of those alleged abuse of authority, improper remarks to a jury, misrepresentations to the court or opposing counsel and failure to comply with court or Department of Justice rules.

Of the 83 investigations that were closed in the 2001 fiscal year, the office found professional misconduct in 21.

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