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School Tuition, Rent Payments, and Fast-Tracked Invoices — Details of the Ray Martinez and Jenifer O'Neal Indictment

Prosecutors allege that Ray Martinez and Jenifer O'Neal accepted bribes, including school tuition and rent payments, while facilitating inflated payments for Mon Ethos contracts, and defrauding taxpayers

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Janeke Simon **January 10, 2025**

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Former Police Commissioner Ray Martinez, and former OMB Director Jenifer O'Neal.

The indictment of Ray Martinez and Jenifer O'Neal alleges a scheme in which the two former government officials worked together to enrich themselves at taxpayer expense by facilitating the timely payments of bloated invoices submitted by Mon Ethos Pro Support founder David Whitaker.

Some of what the document outlines is already familiar to Consortium readers. Mr. Whitaker [pleaded guilty to wire fraud and bribery charges](#) in September 2024, and the information filed against him in that matter details his bribery of an “agent” of the Virgin Islands Police Department. Mr. Whitaker admitted to bribing that agent in exchange for priority payment of outstanding invoices and additional contracts awarded to Mon Ethos. In his plea agreement, Mr. Whitaker also admitted that the bribes took the form of cash payments to the VIPD official and his family, funded trips to Boston complete with stays in high-end hotels, and the purchase of equipment and supplies for the official's restaurant.

This week's indictment not only reveals the belief of prosecutors that Mr. Martinez is the VIPD “agent” who benefited from Mr. Whitaker's bribery, but it also posits that the former commissioner was not just a passive recipient but an active and eager participant in orchestrating the scheme.

Allegations are that the plot began sometime around November 2022, when Mr. Whitaker met Mr. Martinez at the latter's restaurant to complain about outstanding invoices Mr. Whitaker's companies had billed for work done for the VIPD. Prosecutors say that the former commissioner indicated that he was too engaged in his entrepreneurial endeavors to attend to the business of the VIPD. “Whitaker offered to help MARTINEZ with his restaurant if MARTINEZ would agree to help get Whitaker's outstanding invoices paid,” the indictment claims. “MARTINEZ agreed and Whitaker began purchasing equipment for MARTINEZ's restaurant,” the document continues.

The first equipment purchase occurred in late November 2022, prosecutors allege, and Mr. Whitaker “continued to provide payments to MARTINEZ for labor and supplies to MARTINEZ's restaurant throughout the first half of 2023.

Mr. Whitaker then allegedly sought to provide cover for the first to payments by pretending he and Mr. Martinez were collaborating on a show, dubbed “Steak Out.” The premise, prosecutors say, was that the then-commissioner would cook in his restaurant kitchen while discussing past cases he had investigated. A memorandum to that effect was allegedly drafted by Mr. Whitaker at the end of March 2023, and signed by both he and Mr. Martinez on April 1.

The first sponsored flight to Boston came in May 2023, prosecutors say. Mr. Whitaker is said to have covered the cost to the tune of over \$15,000 for flights and hotel for himself and Mr. Martinez. In August, the then-police commissioner reportedly needed to travel again. This time, the hotel stay for the two men reportedly came up to over \$22,500. Flights were almost \$3000, and dinner at a steakhouse ended with a bill of over \$1000 – all purportedly funded by Mr. Whitaker.

After the second Boston trip, prosecutors allege that the former commissioner became more demanding. The indictment claims that Mr. Martinez “complained to Whitaker that he could not afford rent payments for his new home and solicited Whitaker for money.” In response Mr. Whitaker is said to have wired \$11,500 to Mr. Martinez's wife, an active-duty VIPD officer. “As part of this money wire transfer, Whitaker included the memo line ‘Reimbursement of Exp. for Steak Out,’” the indictment says. “In reality, there were no outstanding expenses for ‘Steak Out’, and this statement was an attempt to conceal the true reason for Whitaker's payment to Martinez” – the rent payment for the commissioner, according to the allegations of government lawyers.

[Read the indictments: [Martinez, O'Neal](#) | [White, Hendricks](#)]

September 2023 brought another equipment purchase for Martinez, the indictment alleges – a barbecue grill that cost over \$4,500.

In exchange for the trips to Boston, rent payments, and restaurant equipment from Mr. Whitaker, prosecutors say Mr. Martinez facilitated the payment of 13 invoices submitted to the government by Mr. Whitaker's businesses, to the tune of over \$1.3 million. "MARTINEZ personally signed these invoices or instructed his deputy to sign on his behalf," prosecutors allege. "Once these invoices were signed, MARTINEZ instructed someone in his office to submit them to VI-OMB to be processed."

The two men eventually agreed to work towards having Mr. Whitaker's company receive "a sole-source contract with the VIPD to provide technical case support for criminal investigations," according to prosecutors. In late July 2023, Mr. Whitaker bid for a one-year contract with a value of almost \$1.5 million. Mr. Martinez approved the contract on August 1 of that year, according to the indictment, and it was reportedly made official on October 10 when Governor Albert Bryan Jr. formally signed the agreement. "Payments under this contract were paid from the use of American Rescue Plan Act ("ARPA") funds," the indictment says.

After the contract was in place, Mr. Whitaker allegedly continued to provide payments to the then-commissioner in exchange for the timely approval of invoices submitted through the VIPD. In addition to the assurance of financial assistance with restaurant expenses, Mr. Martinez also reportedly began soliciting bribes to pay his children's private school fees – \$4,100 each month, according to prosecutors. Mr. Whitaker is said to have assented to the request, reportedly sending tuition money to the bank account of the commissioner's wife in October and December 2023, as well as February 2024.

Perhaps due to his mounting expenses, Mr. Whitaker reportedly sought to shift the cost burden elsewhere. According to prosecutors, after booking another trip for himself and Mr. Martinez to Boston, Mr. Whitaker called the then-commissioner and confessed to not having enough money to cover the cost of the first class plane tickets and luxury hotel suites. "Whitaker suggested that since the VIPD invoice for that month had not been signed, that MARTINEZ approve extra money be added to the invoice to cover the expenses and have 'some extra money in the kitty,'" the indictment claims. In a recorded phone call in November 2023, Mr. Martinez is alleged to have agreed to approve the padded invoice.

After receiving buy-in from the commissioner to start bilking taxpayers for the extra cash, Mr. Whitaker reportedly withdrew a \$285,000 invoice dated October 29, 2023 and replaced with an invoice for \$325,000. According to prosecutors, Mr. Martinez digitally signed the new, fraudulent invoice in early November, 2023, while on a call with Mr. Whitaker.

The responsibility of the December 2023 school tuition bribe also was shifted to taxpayers, prosecutors say. "Whitaker added an extra line item at the bottom of the November invoice for \$4,100 of miscellaneous expenses and sent it to MARTINEZ for approval," the indictment claims. The territory's top cop reportedly approved it and gave Mr. Whitaker the green light to send it onward to the Office of Management and Budget.

On New Year's Day 2024, Mr. Martinez again approached Mr. Whitaker for money, prosecutors allege, reportedly expressing his desire to have his restaurant operating by March, in time for St. Thomas carnival. In a recorded call, Mr. Whitaker reportedly agreed to underwrite the cost of purchasing additional equipment via his company's December 2023 invoice to the VIPD. In a subsequent conversation, which again was apparently recorded, Mr. Martinez reportedly instructs Mr. Whitaker to inflate the December invoice by \$70,000.

Days later, Mr. Martinez is alleged to have called Mr. Whitaker again. This time, he wanted to find a way to pad the January invoice to offer a monetary “gift” to then-director of the Office of Management and Budget Jenifer O’Neal. Mr. Whitaker brought the discussion directly to Ms. O’Neal, allegedly recording a meeting with her that took place on January 14, 2024. The OMB director reportedly indicated that she did not necessarily require a cash payment, but that she would accept purchases made by Mr. Whitaker on her behalf. While Mr. Martinez reportedly requested as much as \$15,000 on Ms. O’Neal’s behalf, Mr. Whitaker soon realized that the commissioner was planning to pay his government colleague only \$10,000. “For me whatever it is, I am grateful,” Ms. O’Neal reportedly responded when made aware of Mr. Martinez’s attempt at arbitrage.

Prosecutors say that Mr. Whitaker contacted Ms. O’Neal directly some days later to inquire about the status of an outstanding VIPD invoice for \$216,000. The OMB director reportedly promised to check with her staff, following up less than five minutes later with a subordinate. “If you guys have ARPA payments pending to be processed, please get them entered so that they can make Tuesday’s check run,” she reportedly texted. Ms. O’Neal allegedly followed up again to ensure that the most recent payments approved were also processed. Her efforts, prosecutors say, ensured that Mr. Whitaker’s outstanding invoice was speedily approved.

Tuition payments and equipment purchases for Mr. Martinez continued into 2024, prosecutors say. On March 14, the pair were on the phone together to buy a vent hood and related accessories for the restaurant, at a cost of just over \$12,500.

The following month, Mr. Whitaker, Ms. O’Neal, and Mr. Martinez met in Mr. Whitaker’s office on St. Thomas. The meeting was recorded, prosecutors say, and captured a discussion concerning Ms. O’Neal’s upcoming lease payment for her coffee shop, and how she could access funds from the extra \$70,000 they had acquired from the fraudulently inflated contract without it being traceable. “Everything is traceable,” Mr. Martinez is reported to have said. “Except cash,” Ms. O’Neal reportedly answered, at which Mr. Martinez is said to have reminded her of the difficulty in depositing large sums of cash in the bank.

In mid-April, Mr. Whitaker reportedly wired Ms. O’Neal’s landlord over \$17,700 – a security deposit and two month’s rent, according to prosecutors. The memo line for the transfer reportedly read “Payment for Jenifer O’NEAL for YHG Required Lease Deposits and Payments by David Whitaker.”

Like in the [simultaneous indictment against Calvert White](#), who [resigned his post](#) as Sports Parks and Recreation commissioner after felony charges were laid against him, Mr. Martinez reportedly attempted to cover his tracks once he learned that the Federal Bureau of Investigations was looking into his conduct. A day after agents seized the phones of both Mr. Martinez and Ms. O’Neal in June 2024, the former commissioner reportedly set to work preparing a promissory note that would explain the rent and tuition payments Mr. Whitaker had made. “Your story is that...I gave you a copy of the document and you don’t know what you did with it,” Mr. Martinez reportedly told Mr. Whitaker. When Mr. Martinez’s attorney presented the note to federal investigators as part of a response to a grand jury subpoena, the document had reportedly been backdated to August 15, 2023.

Mr. Martinez also reportedly began coaching Mr. Whitaker on how to respond to scrutiny by the FBI over the payments, instructing him to tell investigators that he was “just helping a friend.” Prosecutors say he tried to provide insight to Mr. Whitaker on exactly what FBI investigators would be looking for. The veteran law enforcement officer reportedly suggested that Mr. Whitaker

destroy his phone and laptop in an attempt to stymie the federal probe. When Mr. Whitaker expressed concern that Ms. O'Neal might provide investigators with a conflicting narrative, Mr. Martinez reportedly dismissed that potential threat. "That's her word against ours. We don't know what the hell she's talking about," prosecutors quote him as saying.

Ultimately, of the five counts of participation in a scheme to deprive the Virgin Islands of their right to the honest services of public officials, Ms. O'Neal is listed as a defendant in two counts, while Mr. Martinez must answer to all five. Both Mr. Martinez and Ms. O'Neal face one count each of bribery concerning programs receiving federal funds, and are also facing one count of participating in a money laundering conspiracy. Mr. Martinez is separately facing two counts of obstruction of justice, in connection with his reported attempts to destroy evidence and conceal his alleged crimes after being notified of the investigation against him.

Prosecutors say that they will seek the forfeiture of the kitchen equipment purchased for Mr. Martinez's restaurant, as well as a cash judgement of just over \$128,000 from both defendants.