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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

'Varsity Blues' Mom Gets Maximum Fine For 'Money Crime'

By **Brian Dowling**

Law360 (May 18, 2020, 7:55 PM EDT) -- A "Varsity Blues" parent who bribed her son's way into UCLA as a phony soccer recruit escaped having to serve more prison time than the five months she spent awaiting extradition in a Madrid jail, but a Massachusetts federal judge on Monday ordered her to fork over the maximum \$250,000 fine for what he called a "money crime."

The virtual sentencing was marked by the defendant, Xiaoning Sui, being dropped from the Zoom call and a few moments in which U.S. District Judge Douglas P. Woodlock indicated he'd reject the parties' take-it-or-leave-it **plea agreement**. It was the second video sentencing in the case after Elizabeth Enriquez **appeared virtually** before Judge Woodlock and received a seven-month prison sentence.

Speaking Mandarin through an interpreter, Sui, 49, apologized for setting a "horrible example" for her child. She wore a red cardigan and sat in front of a window, with a bookcase behind her that was empty except for seven small trophies. Under the plea deal, she will also forfeit the \$400,000 she used to facilitate the crime.

Judge Woodlock, faced with either accepting the parties' proposal for a time-served sentence or rejecting the entire deal, asked the parties about their positions on supervised release — a complicated issue given that Sui is a Chinese citizen but lives in British Columbia. Assistant U.S. Attorney Eric Rosen told the court that the government took no position on the matter, even though the agreement called for a year of supervised release.

"I can't accept an agreement that isn't an agreement," Judge Woodlock responded. "Either I have an agreement or I don't have an agreement. What I have is a 'wink-wink, nod nod' with this aspect of it. I'm not going to accept it."

Rosen then said the government was "happy to stipulate there should be no term of supervised release," prompting Judge Woodlock to back off his rejection and move on.

While the deal limited Judge Woodlock's discretion as to prison time, the court had full liberty in setting a fine for Sui's crime of paying \$400,000 to scheme mastermind William "Rick" Singer's sham nonprofit Key Worldwide Foundation to win her son a spot and a scholarship at the elite California university.

"It's a money crime, and it seems to me that it ought to be paid for in money too," Judge Woodlock said, announcing he'd impose the maximum statutory fine of \$250,000. "This is another way of reflecting that it's wrong — that people who have this money and throw this kind of money around have to feel the cost of doing so."

Sui's attorney Martin G. Weinberg asked the court to impose a fine within the range set out in the sentencing guidelines — from \$10,000 to \$95,000 — according to Judge Woodlock's outline of the ranges. The government did not take a position on what the fine should be, though Rosen pointed to the fact that Sui paid a substantial sum to Singer's nonprofit and gained no benefit because she

was arrested before her son could attend the school.

Judge Woodlock called the crime "costly" for Sui and society.

"She went too far for her son. It was illegal," the judge said. "When lots of people do it, it erodes the sense of community that a society requires, particularly a society that's rent by the factors of disparate resources leading to disparate outcomes, in a society that prides itself on equality of opportunity."

Sentencing her to time served for her five months in a Spanish prison, Judge Woodlock said the term is "well within the heartland of" a proper sentence for the crime, and similar to other parents already sentenced for similar conduct.

Indicted in March, Sui didn't learn she was facing charges until September during a vacation in Spain. Authorities there arrested her and she was held at the Madrid V Penitentiary Center until her extradition to the United States in February. In her sentencing memo, Sui's attorneys said her "conditions of confinement were harsh, isolating and far more punitive than what any of the related parent-defendants have been subject to."

According to the indictment charging Sui with federal programs bribery, she worked with Singer, former University of Southern California soccer coach Ali Khosroshahin, who has pled guilty, and ex-UCLA soccer coach Jorge Salcedo, who plans to **plead guilty**.

In a conference call, Singer told Sui he could guarantee acceptance to UCLA for her son, according to the indictment, adding that Singer said the boy would not know what his mother was doing behind the scenes. She then paid \$400,000 to Singer to get her son into the college.

UCLA later admitted Sui's son to the prestigious school as a preferred soccer recruit in November 2018 and handed him a 25% scholarship, prosecutors said.

Sui was the **52nd person** caught up in the nationwide admissions scheme.

Weinberg told Law360 he and his client were "very grateful that Judge Woodlock exercised his discretion and imposed the jointly recommended sentence of time served thus ending the prosecution of Ms. Sui."

The government is represented by Eric S. Rosen, Justin D. O'Connell, Kristen A. Kearney and Leslie Wright of the U.S. Attorney's Office for the District of Massachusetts.

Sui is represented by Martin G. Weinberg and Maksim Nemtsev of the Law Offices of Martin G. Weinberg PC.

The case is U.S. v. Sui, case number 1:19-cr-10082, in the U.S. District Court for the District of Massachusetts.

--Editing by Amy Rowe.