



engaged in, and its activities affected, interstate and foreign commerce. The Colombo family was an organized criminal group that operated in the Eastern District of New York and elsewhere.

2. The Colombo family operated through groups of individuals headed by "captains," who were also referred to as "skippers," "caporegimes" and "capodecinas." These groups, which were referred to as "crews," "regimes" and "decinas," consisted of "made" members of the Colombo family, who were referred to as "soldiers," "friends of ours," "good fellows" and "buttons," and associates of the Colombo family.

3. Each captain was responsible for supervising the criminal activities of his crew and providing crew members and associates with support and protection. In return, the captain received a share of the earnings of each of the crew's members and associates.

4. Above the captains were the three highest-ranking members of the Colombo family. The head of the Colombo family was known as the "boss." He was assisted by an "underboss" and a counselor, who was known as the "consigliere." When a member of the administration was unable to fulfill his criminal responsibilities because of incarceration, ill health or other reason, a member of the Colombo family was often appointed to that position in an acting capacity.

5. The boss, underboss and consigliere of the Colombo family, who were sometimes referred to collectively as the

"administration," supervised, supported, protected and disciplined the captains, soldiers and associates and regularly received reports regarding the activities of the members and associates of the Colombo family. In return for their supervision and protection, the boss, underboss and consigliere received part of the illegal earnings of each crew.

6. The Colombo family was part of a nationwide criminal organization known by various names, including the "mafia" and "La Cosa Nostra," which operated through entities known as "families." The ruling body of this nationwide organization was known as the "commission," the members of which have at various times included the bosses of the five New York City-based families, to wit: the Bonanno, Colombo, Gambino, Genovese and Luchese organized crime families of La Cosa Nostra ("LCN").

7. From time to time, the Colombo family would propose a list of associates to be "made," that is, to become members of the Colombo family. The list would be circulated to the other families based in New York City. Upon becoming "made," each member would take an oath of "omerta," vowing never to reveal any information about the Colombo family, its members or associates.

#### The Purposes, Methods and Means of the Colombo Family Enterprise

8. The principal purpose of the enterprise was to generate money for its members and associates. This purpose was

implemented by members and associates of the enterprise through various criminal activities affecting interstate and foreign commerce, including extortion, fraud, unlawful labor payments and illegal gambling. The members of the enterprise furthered its criminal activities by, among other methods and means, threatening physical violence and economic injury.

9. Members and associates of the Colombo family engaged in conduct designed to prevent government detection of their identities, their illegal activities, and the location of the proceeds of those activities.

10. Members and associates of the enterprise often coordinated criminal activity, such as extortion, with members and associates of other organized crime families, including the Bonanno, Gambino, Genovese and Luchese organized crime families of LCN.

#### The International Union of Operating Engineers

11. The International Union of Operating Engineers (the "Union"), with headquarters in Washington, D.C., had approximately 400,000 members in 170 local unions throughout the United States and Canada. The Union, which was affiliated with the AFL-CIO, represented, among others, operating engineers who worked as heavy equipment operators, mechanics and surveyors in the construction industry.

12. Local Union 14-14B of the Union ("Local 14") and Locals 15, 15A, 15B, 15C, 15D of the Union ("Local 15") were

constituent locals of the Union. Local 14 and Local 15 represented operating engineers in Manhattan, Bronx, Brooklyn, Queens and Staten Island, New York, who performed work at various construction sites in the New York City area ("Job Sites").

13. Locals 14 and 15 each had benefit trust funds for its members. The Local 14 funds included the Operating Engineers Local 14 and 14B Annuity Fund, the Operating Engineers Local 14 and 14B Pension Fund and the Operating Engineers Local 14 and 14B Welfare Fund (the "Local 14 Plans"). The Local 15 funds included the Annuity Fund of the International Union of Operating Engineers, Local Unions 15, 15A, 15B, 15C, 15D, AFL-CIO; the Pension Fund of the International Union of Operating Engineers, Local Unions 15, 15A, 15B, 15C, 15D, AFL-CIO; the Welfare Fund of the International Union of Operating Engineers, Local Unions 15, 15A, 15B, 15C, 15D, AFL-CIO; and the Vacation Fund of the International Union of Operating Engineers, Local Unions 15, 15A, 15B, 15C, 15D, AFL-CIO (the "Vacation Fund of Local 15") (collectively, the "Local 15 Plans").

#### The Defendants

14. At various times relevant to this superseding indictment, the defendant JOHN J. DEROSS, also known as "Jackie," was a soldier, a captain or the underboss of the Colombo family; the defendant CHARLES J. PANARELLA, also known as "Charlie Moose" and "Moose," was a soldier or captain of the Colombo family; the defendant VINCENT RICCIARDO was a soldier in the Colombo family;

and the defendants PAUL J. BUCKLEY, LAWRENCE A. PERSICO, ARTHUR L. PALMER and EMIL GARY CLEMENTE were associates of the Colombo family.

15. The defendant LAWRENCE A. PERSICO was the son of incarcerated Colombo family boss Carmine J. Persico, the brother of Colombo family soldier and one-time acting boss Alphonse T. Persico and, at various times relevant to this superseding indictment, a member of Local 14.

16. At various times relevant to this superseding indictment, the defendant THOMAS P. MCGUIRE, also known as "Thomas Maguire," was the business manager of Local 15. In that capacity, he acted as a representative of Local 15's members.

17. At various times relevant to this superseding indictment, the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and DANIEL J. MURPHY were business agents, or delegates, of Local 15. In that capacity, MCNAMARA and MURPHY acted as representatives of Local 15's members.

18. At various times relevant to this superseding indictment, the defendants ANTHONY QUARANTA and ARTHUR L. PALMER were members of Local 15. At certain Job Sites, QUARANTA and PALMER were "Maintenance Foremen," designated by Local 15 to oversee each Job Site as it affected Local 15 members. In that capacity, they acted as representatives of Local 15's members.

19. At various times relevant to this superseding indictment, the defendant EMIL GARY CLEMENTE was the principal of

E.G. Clemente Contracting Corp.

COUNT ONE  
(Racketeering)

20. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

21. In or about and between 1981 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOHN J. DEROSS, also known as "Jackie," LAWRENCE A. PERSICO, VINCENT RICCIARDO, PAUL J. BUCKLEY, THOMAS P. MCGUIRE, also known as "Thomas Maguire," DANIEL J. MURPHY, ARTHUR L. PALMER and EMIL GARY CLEMENTE, together with others, being persons employed by and associated with the Colombo family, an enterprise that engaged in, and the activities of which affected, interstate commerce, knowingly and intentionally conducted and participated, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of the racketeering acts set forth below.

RACKETEERING ACT ONE  
(Conspiracy to Extort Locals 14 and 15)

22. In or about and between 1981 and Spring 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOHN J. DEROSS, LAWRENCE A. PERSICO, VINCENT RICCIARDO and PAUL J.

BUCKLEY, together with others, knowingly and intentionally conspired to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and their coconspirators agreed to obtain property, to wit: (1) Local 14 and Local 15 labor union positions, (2) the right of Local 14 and Local 15 members to money paid as wages and contributions to benefit plans, which Local 14 and Local 15 members would have obtained but for the defendants' corrupt influence over the union, and (3) the right of Local 14 and Local 15 members to democratic participation in the affairs of their labor organization, as guaranteed by Title 29, United States Code, Sections 411 and 481, with the consent of Local 14 and Local 15 members and their union officers, agents, employees and representatives, which consent was to be induced through wrongful use of actual and threatened force, violence and fear, in violation of Title 18, United States Code, Section 1951(a).

RACKETEERING ACT TWO

(Extortion of Local 14 - Transfer into Local)

23. In or about and between March 2000 and December 5, 2000, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JOHN J. DEROSS, together with others, knowingly and intentionally obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by extortion, in that the



defendant and others obtained property, to wit: the right of Local 14 members to money paid as wages and contributions to benefit plans, which Local 14 members would have obtained but for the defendant's corrupt influence over the union, with the consent of Local 14 members and their union officers, agents, employees and representatives, which consent was induced through wrongful use of actual and threatened force, violence and fear, in violation of Title 18, United States Code, Sections 1951(a) and 2.

RACKETEERING ACT THREE  
(Extortion of Local 14 - Jobs)

24. In or about and between July 2001 and October 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VINCENT RICCIARDO and PAUL J. BUCKLEY, together with others, knowingly and intentionally obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and others obtained property, to wit: the right of Local 14 members to money paid as wages and contributions to benefit plans, which Local 14 members would have obtained but for the defendants' corrupt influence over the union, with the consent of Local 14 members and their union officers, agents, employees and representatives, which consent was induced through wrongful use of actual and threatened force, violence and fear, in violation

of Title 18, United States Code, Sections 1951(a) and 2.

RACKETEERING ACT FOUR  
(Mail Fraud - Local 15 Jobs)

25. The defendant named below committed the following acts, any one of which alone constitutes racketeering act four.

26. In or about and between November 1998 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DANIEL J. MURPHY, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

27. It was part of the scheme and artifice that the defendant DANIEL J. MURPHY, together with others, would and did submit and cause to be submitted false information regarding hours worked to contractors, claiming that certain hours had been worked by a member of Local 15 who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 15 Plans in the name of that member.

28. For the purpose of executing the scheme and artifice, the defendant DANIEL J. MURPHY, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service

the following items of mail matter, among others, in violation of Title 18, United States Code, Sections 1341 and 2:

Racketeering Act	Approximate Date of Mailing	Description	Sender
4A	May 13, 1999	Coconspirator's Vacation check	Vacation Fund of Local 15
4B	August 5, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
4C	December 30, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
4D	April 28, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
4E	September 14, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
4F	January 11, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
4G	July 6, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
4H	December 21, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
4I	April 25, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15
4J	August 7, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15

RACKETEERING ACT FIVE

(Mail Fraud: Roadway Contracting, Inc.)

29. The defendant named below committed the following acts, either one of which alone constitutes racketeering act five.

30. In or about and between March 2000 and August 2002, both dates being approximate and inclusive, within the Eastern District of New York, the defendant LAWRENCE A. PERSICO, together with others, knowingly and intentionally devised a scheme and artifice to defraud a contractor, to wit: Roadway

Contracting, Inc., and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from that contractor by means of materially false and fraudulent pretenses, representations and promises.

31. It was part of the scheme and artifice that the defendant LAWRENCE A. PERSICO would and did submit and cause to be submitted false information regarding hours worked to Roadway Contracting, Inc., claiming that he had worked certain hours when, in fact, he had not, in order fraudulently to obtain wages and contributions to the Local 14 Plans in his name.

32. For the purpose of executing the scheme and artifice, the defendant LAWRENCE A. PERSICO, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service the following items of mail matter, among others, in violation of Title 18, United States Code, Sections 1341 and 2:

Racketeering Act	Approximate Date of Mailing	Description	Sender
5A	March 9, 2000	PERSICO's Stamp Book	PERSICO
5B	July 10, 2000	PERSICO's Stamp Book	PERSICO

RACKETEERING ACT SIX  
(Oceana Condos Job Site)

33. The defendant named below committed the following acts, either one of which alone constitutes racketeering act six.

A. Unlawful Labor Payments

34. In or about and between April 2000 and November 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant ARTHUR L. PALMER, together with others, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in an amount in excess of \$1,000 to representatives of employees who were members of Local 14 and Local 15 and were then employed in an industry affecting commerce, from employers at the Oceana Condos Job Site and from persons who acted in the interest of said employers of the employees, in violation of Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2) and Title 18, United States Code, Section 2.

B. Mail Fraud

35. In or about and between April 2000 and November 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ARTHUR L. PALMER, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

36. It was part of the scheme and artifice that the defendant ARTHUR L. PALMER, together with others, would and did

submit and cause to be submitted false information regarding hours worked to a contractor, to wit: Muss Development, Inc., in connection with the Oceana Condos Job Site, claiming that certain hours had been worked by certain Local 14 and Local 15 members who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans and the Local 15 Plans in the names of those members.

37. For the purpose of executing the scheme and artifice, the defendant ARTHUR L. PALMER, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service an item of mail matter, to wit: a vacation check for PALMER from the Vacation Fund of Local 15, mailed on or about November 21, 2001, in violation of Title 18, United States Code, Sections 1341 and 2.

RACKETEERING ACT SEVEN  
(Brooklyn General Post Office Job Site)

38. In or about and between July 2000 and August 2002, both dates being approximate and inclusive, within the Eastern District of New York, the defendant LAWRENCE A. PERSICO, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and

promises.

39. It was part of the scheme and artifice that the defendant LAWRENCE A. PERSICO, together with others, would and did submit and cause to be submitted false information regarding hours worked to a contractor, to wit: J.A. Jones GMO LLC, in connection with the Brooklyn General Post Office Job Site, claiming that certain hours had been worked by certain Local 14 and Local 15 members who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans and the Local 15 Plans in the names of those members.

40. For the purpose of executing the scheme and artifice, the defendant LAWRENCE A. PERSICO, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service the following items of mail matter, among others, in violation of Title 18, United States Code, Sections 1341 and 2:

Racketeering Act	Approximate Date of Mailing	Description	Sender
7A	November 6, 2000	PERSICO's Stamp Book	PERSICO
7B	March 7, 2001	PERSICO's Stamp Book	PERSICO
7C	July 7, 2001	PERSICO's Stamp Book	PERSICO
7D	November 14, 2001	PERSICO'S Stamp Book	PERSICO

RACKETEERING ACT EIGHT  
(Staten Island Yankee Stadium Job Site)

41. In or about and between May 2000 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ARTHUR L. PALMER, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

42. It was part of the scheme and artifice that the defendant ARTHUR L. PALMER, together with others, would and did submit and cause to be submitted false information regarding hours worked to contractors, to wit: Interstate Industrial and D. Gangi Contracting Corporation, in connection with the Staten Island Yankee Stadium Job Site, claiming that certain hours had been worked by certain Local 14 and Local 15 members who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans and the Local 15 Plans in the names of those members.

43. For the purpose of executing the scheme and artifice, the defendant ARTHUR L. PALMER, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service



the following items of mail matter, among others, in violation of Title 18, United States Code, Sections 1341 and 2:

Racketeering Act	Approximate Date of Mailing	Description	Sender
8A	December 27, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
8B	January 10, 2001	PALMER's Vacation Check	Vacation Fund of Local 15
8C	April 10, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
8D	August 7, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15

RACKETEERING ACT NINE

(Mail Fraud: Kingsboro Community College Job Site)

44. In or about and between November 2000 and March 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant JOHN J. DEROSS, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

45. It was part of the scheme and artifice that the defendant JOHN J. DEROSS, together with others, would and did submit and cause to be submitted false information regarding hours worked to a contractor, to wit: J.A. Jones GMO LLC, in connection with the Kingsboro Community College Job Site, claiming that certain hours had been worked by a coconspirator,

who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans in his name.

46. For the purpose of executing the scheme and artifice, the defendant JOHN J. DEROSS, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service an item of mail matter, to wit: a receipt for a coconspirator from the Local 14 Fund Office, mailed on or about March 22, 2001, in violation of Title 18, United States Code, Sections 1341 and 2.

RACKETEERING ACT TEN

(Mail Fraud: P.S. 58 Staten Island Job Site)

47. On or about and between December 4, 2000 and April 3, 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ARTHUR L. PALMER, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

48. It was part of the scheme and artifice that the defendant ARTHUR L. PALMER, together with others, would and did submit and cause to be submitted false information regarding hours worked to contractors, to wit: New York Concrete Corp. and

DeMatteis Construction Corp., in connection with the P.S. 58 Staten Island Job Site, claiming that certain hours had been worked by certain Local 14 and Local 15 members who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans and Local 15 Plans in the names of those members.

49. For the purpose of executing the scheme and artifice, the defendant ARTHUR L. PALMER, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service the following items of mail matter, among others, in violation of Title 18, United States Code, Sections 1341 and 2:

Racketeering Act	Approx. Date of Mailing	Description	Sender
10A	April 19, 2001	PALMER's Vacation Check	Vacation Fund of Local 15
10B	July 16, 2001	PALMER's Vacation Check	Vacation Fund of Local 15

RACKETEERING ACT ELEVEN  
(Mail Fraud: Mortgage Application)

50. On or about and between July 11, 2001 and September 17, 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant EMIL GARY CLEMENTE, together with others, knowingly and intentionally devised a scheme and artifice to defraud Premier Mortgage Banking Corp. ("Premier") and Mid Island Mortgage Corp. ("Mid Island") and to obtain money and property from them by

means of materially false and fraudulent pretenses, representations and promises.

51. It was part of this scheme and artifice that a coconspirator submitted and caused to be submitted a residential mortgage loan application, knowing that the application contained false statements and representations as to employment and that documents submitted in support of the application contained false statements and representations regarding, among other things, his employment and income. Included among those documents containing false information were pay stubs and a verification of employment.

52. It was a further part of this scheme and artifice that, based on these false statements and representations, the mortgage companies were induced to grant a \$220,000.00 mortgage to the coconspirator applicant.

53. For the purpose of executing the scheme and artifice, the defendant EMIL GARY CLEMENTE, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service an item of mail matter, to wit: a Verification of Employment by E.G. Clemente Contracting Corp., mailed on or about August 9, 2001, in violation of Title 18, United States Code, Sections 1341 and 2.

RACKETEERING ACT TWELVE  
(Illegal Gambling)

54. In or about and between August 2001 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VINCENT RICCIARDO and PAUL J. BUCKLEY, together with others, knowingly and intentionally conducted, financed, managed, supervised, directed and owned all or part of an illegal gambling business, which operated in violation of the laws of the state of New York, to wit: New York Penal Law Section 225.05, which involved five or more people who conducted, financed, managed, supervised, directed and owned all or part of the business and which remained in substantially continuous operation for a period in excess of thirty days, in violation of Title 18, United States Code, Sections 1955 and 2.

RACKETEERING ACT THIRTEEN  
(Unlawful Labor Payments: Company 1)

55. The defendant named below committed the following acts, either one of which alone constitutes racketeering act 13.

A. Unlawful Labor Payments

56. In or about and between Spring 2001 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York, the defendant DANIEL J. MURPHY, being a representative of employees, who were members of Local 15 and were then employed in an industry affecting commerce, knowingly and willfully requested, demanded, received and

accepted and agreed to receive and accept payments and deliveries of money and other things of value in excess of \$1,000 from an employer, to wit: Company 1, the identity of which is known to the grand jury, and from a person who acted in the interest of said employer of the employees, in violation of Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2).

B. Receipt of Labor Bribes

57. In or about and between Spring 2001 and November 2002, within the Eastern District of New York, the defendant DANIEL J. MURPHY, being a labor official, knowingly and intentionally accepted benefits from another person upon an agreement and understanding that such benefits would influence him in respect to his acts, decisions and duties as a labor official, in violation of New York Penal Law Section 180.25.

RACKETEERING ACT FOURTEEN

(Unlawful Labor Payments: E.G. Clemente Contracting Corp.)

58. The defendants named below committed the following acts, either one of which alone constitutes racketeering act 14.

A. Unlawful Labor Payments

59. In or about and between December 1989 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendants THOMAS P. MCGUIRE and DANIEL J. MURPHY, being representatives of employees, who were members of Local 15 and were then employed in an industry affecting commerce, knowingly and willfully requested, demanded,

received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in excess of \$1,000 from an employer, to wit: E.G. Clemente Contracting Corp., and from a person who acted in the interest of said employer of the employees, in violation of Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2).

B. Receipt of Labor Bribes

60. In or about and between December 1989 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendants THOMAS P. MCGUIRE and DANIEL J. MURPHY, being labor officials, knowingly and intentionally accepted benefits from another person upon an agreement and understanding that such benefits would influence them in respect to their acts, decisions and duties as labor officials, in violation of New York Penal Law Section 180.25.

RACKETEERING ACT FIFTEEN

(Unlawful Labor Payments: E.G. Clemente Contracting Corp.)

61. The defendant named below committed the following acts, either one of which alone constitutes racketeering act 15.

A. Unlawful Labor Payments

62. In or about and between December 1989 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant EMIL GARY CLEMENTE, who was a person acting in the interest of an employer, to wit: E.G. Clemente Contracting Corp., knowingly and willfully paid, lent and

delivered money and other things of value in excess of \$1,000 to officers and employees of Local 14 and Local 15, labor organizations which represented, sought to represent and would admit to membership such employer's employees who were then employed in an industry affecting commerce, in violation of Title 29, United States Code, Sections 186(a)(2) and 186(d)(2).

B. Payment of Labor Bribes

63. In or about and between December 1989 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant EMIL GARY CLEMENTE knowingly and intentionally conferred and offered benefits to labor officials with the intent to influence them in respect to their acts, decisions and duties as labor officials, in violation of New York Penal Law Section 180.15.

RACKETEERING ACT SIXTEEN

(Unlawful Labor Payments: Company 2)

64. The defendants named below committed the following acts, either one of which alone constitutes racketeering act 16. A.

Unlawful Labor Payments

65. In or about and between June 1993 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendants THOMAS P. MCGUIRE and DANIEL J. MURPHY, being representatives of employees, who were members of Local 15 and were then employed in an industry affecting commerce, knowingly and willfully requested, demanded, received and accepted



and agreed to receive and accept payments and deliveries of money and other things of value in excess of \$1,000 from an employer, to wit: Company 2, the identity of which is known to the grand jury, and from a person who acted in the interest of said employer of the employees, in violation of Title 29, United States Code, Sections 186(a) (1), 186(b) (1) and 186(d) (2).

B. Receipt of Labor Bribes

66. In or about and between June 1993 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendants THOMAS P. MCGUIRE and DANIEL J. MURPHY, being labor officials, knowingly and intentionally accepted benefits from another person upon an agreement and understanding that such benefits would influence them in respect to their acts, decisions and duties as labor officials, in violation of New York Penal Law Section 180.25.

(Title 18, United States Code, Sections 1962(c), 1963 and 3551 et seq.)

COUNT TWO  
(Racketeering Conspiracy)

67. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

68. In or about and between 1981 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOHN J.

DEROSS, also known as "Jackie," LAWRENCE A. PERSICO, VINCENT RICCIARDO, PAUL J. BUCKLEY, CHARLES J. PANARELLA, also known as "Charlie Moose" and "Moose," THOMAS P. MCGUIRE, also known as "Thomas Maguire," DANIEL J. MURPHY, ARTHUR L. PALMER and EMIL GARY CLEMENTE, together with others, being persons employed by and associated with the Colombo family, an enterprise that engaged in, and the activities of which affected, interstate commerce, knowingly and intentionally conspired to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5).

69. The pattern of racketeering activity through which the above-named defendants agreed to conduct the affairs of the enterprise consisted of acts set forth in paragraphs 22 through 66 of Count One, as Racketeering Acts 1 through 16, which are realleged and incorporated as if fully set forth in this paragraph. Each defendant agreed that a conspirator would commit at least two of these racketeering acts in the conduct of the affairs of the enterprise.

(Title 18, United States Code, Sections 1962(d), 1963 and 3551 et seq.)

COUNT THREE

(Violence in Aid of Racketeering: Threat to Assault)

70. At all times relevant to this superseding indictment, the Colombo Family, as more fully described in paragraphs 1 through 19 above, which are realleged and incorporated as if fully set forth in this paragraph, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact which was engaged in, and the activities of which affected, interstate and foreign commerce.

71. At all times relevant to this superseding indictment, the Colombo family, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving labor bribery in violation of New York State law and extortion, fraud, unlawful labor payments and illegal gambling in violation of federal law.

72. On or about October 24, 2001, within the Eastern District of New York and elsewhere, the defendant PAUL J. BUCKLEY, for the purpose of gaining entrance to and maintaining and increasing position in the Colombo family, an enterprise engaged in racketeering activity, knowingly and intentionally threatened to commit a crime of violence upon a person whose identity is known to the grand jury, to wit: assault with a dangerous instrument, in violation of New York Penal Law Section

120.05(2).

(Title 18, United States Code, Sections 1959(a)(4) and 3551 et seq.)

COUNT FOUR

(Conspiracy to Extort Locals 14 and 15)

73. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

74. In or about and between 1981 and Spring 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JOHN J. DEROSS, also known as "Jackie," LAWRENCE A. PERSICO, VINCENT RICCIARDO, PAUL J. BUCKLEY and CHARLES J. PANARELLA, also known as "Charlie Moose" and "Moose," together with others, knowingly and intentionally conspired to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and their coconspirators agreed to obtain property, to wit: (1) Local 14 and Local 15 labor union positions, (2) the right of Local 14 and Local 15 members to money paid as wages and contributions to benefit plans, which Local 14 and Local 15 members would have obtained but for the defendants' corrupt influence over the union, and (3) the right of Local 14 and Local 15 members to democratic participation in the affairs of their labor organization, as guaranteed by Title 29, United States Code,

Sections 411 and 481, with the consent of Local 14 and Local 15 members and their union officers, agents, employees and representatives, which consent was to be induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT FIVE

(Extortion of Local 14 - Transfer into Local)

75. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

76. In or about and between March 2000 and December 5, 2000, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JOHN J. DEROSS, also known as "Jackie," together with others, knowingly and intentionally obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others obtained property, to wit: the right of Local 14 members to money paid as wages and contributions to benefit plans, which Local 14 members would have obtained but for the defendant's corrupt influence over the union, with the consent of Local 14 members and their union officers, agents, employees and representatives, which consent was induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT SIX  
(Extortion of Local 14 - Jobs)

77. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

78. In or about and between July 2001 and September 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VINCENT RICCIARDO and PAUL J. BUCKLEY, together with others, knowingly and intentionally obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendants and others obtained property, to wit: the right of Local 14 members to money paid as wages and contributions to benefit plans, which Local 14 members would have obtained but for the defendants' corrupt influence over the union, with the consent of Local 14 members and their union officers, employees and representatives, which consent was induced through wrongful use of actual and threatened force, violence and fear.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT SEVEN

(Mail Fraud Conspiracy - Local 15 Jobs)

79. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

80. In or about and between November 1998 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DANIEL J. MURPHY, together with others, knowingly and intentionally conspired to devise a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises, and, for the purpose of executing such scheme and artifice, to cause mail matter to be delivered by the United States Postal Service, in violation of Title 18, United States Code, Section 1341.

81. It was part of the conspiracy that the defendant DANIEL J. MURPHY, together with others, would and did submit and cause to be submitted false information regarding hours worked to contractors, claiming that certain hours had been worked by a member of Local 15 who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 15 Plans in the name of that member.

82. In furtherance of the conspiracy and to effect the

objectives thereof, within the Eastern District of New York and elsewhere, the defendant DANIEL J. MURPHY, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. On or about May 13, 1999, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local 15 member.

b. On or about August 5, 1999, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local 15 member.

c. On or about December 30, 1999, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local 15 member.

d. On or about April 28, 2000, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local 15 member.

e. On or about September 14, 2000, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local 15 member.

f. On or about January 11, 2001, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local 15 member.

g. On or about July 6, 2001, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local



15 member.

h. On or about July 12, 2001, the defendant DANIEL J. MURPHY caused a facsimile containing information about a Local 15 member to be sent from the Union office in Flushing, New York.

i. On or about December 21, 2001, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local 15 member.

j. On or about April 25, 2002, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local 15 member.

k. On or about August 7, 2002, the Vacation Fund of Local 15 in New York, New York mailed a vacation check to a Local 15 member.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNTS EIGHT THROUGH SEVENTEEN  
(Mail Fraud: Local 15 Member)

83. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

84. In or about and between November 1998 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DANIEL J. MURPHY, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate

holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

85. It was part of the scheme and artifice that the defendant DANIEL J. MURPHY, together with others, would and did submit and cause to be submitted false information regarding hours worked to contractors, claiming that certain hours had been worked by a member of Local 15 who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 15 Plans in the name of that member.

86. For the purpose of executing the scheme and artifice, the defendant DANIEL J. MURPHY, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service the following items of mail matter:

Count	Approximate Date of Mailing	Description	Sender
8	May 13, 1999	Coconspirator's Vacation check	Vacation Fund of Local 15
9	August 5, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
10	December 30, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
11	April 28, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
12	September 14, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
13	January 11, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15

Count	Approximate Date of Mailing	Description	Sender
14	July 6, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
15	December 21, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
16	April 25, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15
17	August 7, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

COUNTS EIGHTEEN AND NINETEEN  
(Mail Fraud: Roadway Contracting, Inc.)

87. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

88. In or about and between March 2000 and August 2002, both dates being approximate and inclusive, within the Eastern District of New York, the defendant LAWRENCE A. PERSICO, together with others, knowingly and intentionally devised a scheme and artifice to defraud a contractor, to wit: Roadway Contracting, Inc., and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from that contractor by means of materially false and fraudulent pretenses, representations and promises.

89. It was part of the scheme and artifice that the defendant LAWRENCE A. PERSICO would and did submit and cause to be submitted false information regarding hours worked to Roadway

Contracting, Inc., claiming that he had worked certain hours when, in fact, he had not, in order fraudulently to obtain wages and contributions to the Local 14 Plans in his name.

90. For the purpose of executing the scheme and artifice, the defendant LAWRENCE A. PERSICO, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service the following items of mail matter, among others:

Count	Approximate Date of Mailing	Description	Sender
18	March 9, 2000	PERSICO's Stamp Book	PERSICO
19	July 10, 2000	PERSICO's Stamp Book	PERSICO

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

COUNT TWENTY

(Unlawful Labor Payments: Oceana Condos Job Site)

91. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

92. In or about and between April 2000 and November 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and ARTHUR L. PALMER, together with others, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in an amount in excess of

\$1,000 to representatives of employees who were members of Local 14 and Local 15 and were then employed in an industry affecting commerce, from employers at the Oceana Condos Job Site and from persons who acted in the interest of said employers of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT TWENTY-ONE

(Mail Fraud: Oceana Condos Job Site)

93. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

94. In or about and between April 2000 and November 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and ARTHUR L. PALMER, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

95. It was part of the scheme and artifice that the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and

ARTHUR L. PALMER, together with others, would and did submit and cause to be submitted false information regarding hours worked to contractors, to wit: Muss Development, Inc., in connection with the Oceana Condos Job Site, claiming that certain hours had been worked by certain Local 14 and Local 15 members who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans and the Local 15 Plans in the names of those members.

96. For the purpose of executing the scheme and artifice, the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and ARTHUR PALMER, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service an item of mail matter, to wit: PALMER's vacation check from the Vacation Fund of Local 15, on or about November 21, 2001.

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

COUNT TWENTY-TWO

(Unlawful Labor Payments: Brooklyn General Post Office Job Site)

97. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

98. In or about and between July 2000 and August 2002, both dates being approximate and inclusive, within the Eastern District of New York, the defendant THOMAS G. MCNAMARA, also

known as "Tommy Mac," together with others, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in an amount in excess of \$1,000 to representatives of employees who were members of Local 14 and Local 15 and were then employed in an industry affecting commerce, from employers at the Brooklyn General Post Office Job Site and from persons who acted in the interest of said employers of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNTS TWENTY-THREE THROUGH TWENTY-EIGHT  
(Mail Fraud: Brooklyn General Post Office Job Site)

99. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

100. In or about and between July 2000 and August 2002, both dates being approximate and inclusive, within the Eastern District of New York, the defendants LAWRENCE A. PERSICO and THOMAS G. MCNAMARA, also known as "Tommy Mac," together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially

false and fraudulent pretenses, representations and promises.

101. It was part of the scheme and artifice that the defendants LAWRENCE A. PERSICO and THOMAS G. MCNAMARA, also known as "Tommy Mac," together with others, would and did submit and cause to be submitted false information regarding hours worked to a contractor, to wit: J.A. Jones GMO LLC, in connection with the Brooklyn General Post Office Job Site, claiming that certain hours had been worked by certain Local 14 and Local 15 members who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans and the Local 15 Plans in the names of those members.

102. For the purpose of executing the scheme and artifice, the defendants listed below, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service the following items of mail matter, among others, in violation of Title 18, United States Code, Sections 1341 and 2:

Count	Defendant	Approximate Date of Mailing	Description	Sender
23	PERSICO	November 6, 2000	PERSICO's Stamp Book	PERSICO
24	PERSICO	March 7, 2001	PERSICO's Stamp Book	PERSICO
25	PERSICO	July 7, 2001	PERSICO's Stamp Book	PERSICO
26	PERSICO	November 14, 2001	PERSICO'S Stamp Book	PERSICO
27	MCNAMARA	December 12, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15



Count	Defendant	Approximate Date of Mailing	Description	Sender
28	McNAMARA	April 3, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

COUNT TWENTY-NINE

(Unlawful Labor Payments: Staten Island Yankee Stadium Job Site)

103. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

104. In or about and between March 2000 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," together with others, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in an amount in excess of \$1,000 to representatives of employees who were members of Local 14 and Local 15 and were then employed in an industry affecting commerce, from employers at the Staten Island Yankee Stadium Job Site and from persons who acted in the interest of said employers of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNTS THIRTY THROUGH THIRTY-THREE

(Mail Fraud: Staten Island Yankee Stadium Job Site)

105. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

106. In or about and between March 2000 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and ARTHUR L. PALMER, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

107. It was part of the scheme and artifice that the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and ARTHUR L. PALMER, together with others, would and did submit and cause to be submitted false information regarding hours worked to contractors, to wit: Interstate Industrial and D. Gangi Contracting Corporation, in connection with the Staten Island Yankee Stadium Job Site, claiming that certain hours had been worked by certain Local 14 and Local 15 members who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans and the Local 15 Plans in the names of those members.

108. For the purpose of executing the scheme and artifice, the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and ARTHUR L. PALMER, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service the following items of mail matter, among others:

Count	Approximate Date of Mailing	Description	Sender
30	December 27, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
31	January 10, 2001	PALMER's Vacation Check	Vacation Fund of Local 15
32	April 10, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
33	August 7, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

COUNT THIRTY-FOUR

(Unlawful Labor Payments: Coney Island Mets Stadium Job Site)

109. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

110. On or about and between August 1, 2000 and March 9, 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant ANTHONY QUARANTA, together with others, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in an

amount in excess of \$1,000 to representatives of employees who were members of Local 14 and Local 15 and were then employed in an industry affecting commerce, from employers at the Coney Island Mets Stadium Job Site and from persons who acted in the interest of said employers of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THIRTY-FIVE

(Mail Fraud: Coney Island Mets Stadium Job Site)

111. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

112. On or about and between August 1, 2000 and March 9, 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant ANTHONY QUARANTA, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

113. It was part of the scheme and artifice that the defendant ANTHONY QUARANTA, together with others, would and did submit and cause to be submitted false information regarding

hours worked to a contractor, to wit: Turner Construction Co., in connection with the Coney Island Mets Stadium Job Site, claiming that certain hours had been worked by certain Local 14 and Local 15 members who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans and Local 15 Plans in the names of those members.

114. For the purpose of executing the scheme and artifice, the defendant ANTHONY QUARANTA, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service items of mail matter, to wit: receipts for a coconspirator from the Local 14 Fund Office, mailed on or about March 9, 2001.

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

COUNT THIRTY-SIX

(Mail Fraud: Kingsboro Community College Job Site)

115. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

116. In or about and between November 2000 and March 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant JOHN J. DEROSS, also known as "Jackie," together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain

money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

117. It was part of the scheme and artifice that the defendant JOHN J. DEROSS, also known as "Jackie," together with others, would and did submit and cause to be submitted false information regarding hours worked to a contractor, to wit: J.A. Jones GMO LLC, in connection with the Kingsboro Community College Job Site, claiming that certain hours had been worked by a coconspirator who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans in his name.

118. For the purpose of executing the scheme and artifice, the defendant JOHN J. DEROSS, also known as "Jackie," together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service an item of mail matter, to wit: a receipt for a coconspirator from the Local 14 Fund Office, mailed on or about March 22, 2001.

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

COUNT THIRTY-SEVEN

(Unlawful Labor Payments: P.S. 58 Staten Island Job Site)

119. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this

paragraph.

120. On or about and between December 4, 2000 and April 3, 2002, both dates being approximate and inclusive, within the Eastern District of New York, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," together with others, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in an amount in excess of \$1,000 to representatives of employees who were members of Local 14 and Local 15 and were then employed in an industry affecting commerce, from employers at the P.S. 58 Staten Island Job Site and from persons who acted in the interest of said employers of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNTS THIRTY-EIGHT THROUGH FORTY-SIX  
(Mail Fraud: P.S. 58 Staten Island Job Site)

121. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

122. On or about and between December 4, 2000 and April 3, 2002, both dates being approximate and inclusive, within the Eastern District of New York, the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and ARTHUR L. PALMER,

together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

123. It was part of the scheme and artifice that the defendants THOMAS G. MCNAMARA, also known as "Tommy Mac," and ARTHUR L. PALMER, together with others, would and did submit and cause to be submitted false information regarding hours worked to contractors, to wit: New York Concrete Corp. and DeMatteis Construction Corp., in connection with the P.S. 58 Staten Island Job Site, claiming that certain hours had been worked by certain Local 14 and 15 members who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans and Local 15 Plans in the names of those members.

124. For the purpose of executing the scheme and artifice, the defendants listed below, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service the following items of mail matter, among others:

Count	Defendant	Approx. Date of Mailing	Description	Sender
38	MCNAMARA	January 31, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
39	MCNAMARA	March 1, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.



Count	Defendant	Approx. Date of Mailing	Description	Sender
40	McNAMARA	April 10, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
41	McNAMARA, PALMER	April 19, 2001	PALMER's Vacation Check	Vacation Fund of Local 15
42	McNAMARA	May 29, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
43	McNAMARA	July 11, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
44	McNAMARA, PALMER	July 16, 2001	PALMER's Vacation Check	Vacation Fund of Local 15
45	McNAMARA	December 12, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
46	McNAMARA	April 3, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

COUNT FORTY-SEVEN

(Mail Fraud Conspiracy: Mortgage Application)

125. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

126. On or about and between July 11, 2001 and September 17, 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant EMIL GARY CLEMENTE, together with others, knowingly and intentionally conspired to devise a scheme and artifice to defraud Premier and Mid Island and to obtain money and property from them by means of materially false and fraudulent pretenses,

representations and promises, and, for the purpose of executing such scheme and artifice, to cause mail matter to be delivered by the United States Postal Service, in violation of Title 18, United States Code, Sections 1341 and 2.

127. It was part of this scheme and artifice that a coconspirator submitted and caused to be submitted a residential mortgage loan application, knowing that the application contained false statements and representations as to employment and that documents submitted in support of the application contained false statements and representations regarding, among other things, his employment and income. Included among those documents containing false information were pay stubs and a verification of employment.

128. It was a further part of this scheme and artifice that, based on these false statements and representations, Premier and Mid Island were induced to grant a \$220,000.00 mortgage to a coconspirator.

129. In furtherance of the conspiracy and to effect the objectives thereof, within the Eastern District of New York and elsewhere, the defendant EMIL GARY CLEMENTE, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. On or about July 11, 2001, coconspirators had a telephone conversation regarding obtaining payroll slips for another coconspirator to use when applying for a mortgage.

b. On or about July 11, 2001, coconspirators had a telephone conversation in which they arranged to meet.

c. On or about July 11, 2001, coconspirators met.

d. On or about August 9, 2001, E.G Clemente Contracting Corp. mailed a Verification of Employment regarding a coconspirator.

e. On or about September 17, 2001, a coconspirator signed a Uniform Residential Loan Application for the loan.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT FORTY-EIGHT

(Mail Fraud: Mortgage Application)

130. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

131. On or about and between July 11, 2001 and September 17, 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant EMIL GARY CLEMENTE, together with others, knowingly and intentionally devised a scheme and artifice to defraud Premier

and Mid Island and to obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises.

132. For the purpose of executing the scheme and artifice, the defendant EMIL GARY CLEMENTE, together with others, did place and cause to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service an item of mail matter, to wit: a Verification of Employment by E.G. Clemente Contracting Corp., mailed on or about August 9, 2001.

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

COUNT FORTY-NINE  
(Illegal Gambling Conspiracy)

133. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

134. In or about and between August 2001 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VINCENT RICCIARDO and PAUL J. BUCKLEY, together with others, knowingly and intentionally conspired to conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, which operated in violation of the laws of the state of New York, to wit: New York Penal Law Section 225.05,

which involved five or more people who conducted, financed, managed, supervised, directed and owned all or part of the business and which remained in substantially continuous operation for a period in excess of thirty days, in violation of Title 18, United States Code, Section 1955.

135. In furtherance of the conspiracy and to effect the objectives thereof, within the Eastern District of New York and elsewhere, the defendants VINCENT RICCIARDO and PAUL J. BUCKLEY, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

- a. On or about August 20, 2001, the defendant VINCENT RICCIARDO and a coconspirator had a telephone conversation.
- b. On or about September 3, 2001, the defendant PAUL J. BUCKLEY and a coconspirator had a telephone conversation.
- c. On or about October 22, 2001, the defendant PAUL J. BUCKLEY and a coconspirator had a telephone conversation.
- d. On or about November 15, 2001, the defendants VINCENT RICCIARDO and PAUL J. BUCKLEY had a telephone conversation.
- e. On or about December 17, 2001, the defendant PAUL J. BUCKLEY and a coconspirator had a telephone conversation.

(Title 18, United States Code, Sections 371 and 3551 et

seq.)

COUNT FIFTY  
(Illegal Gambling)

136. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

137. In or about and between August 2001 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants VINCENT RICCIARDO and PAUL J. BUCKLEY, together with others, knowingly and intentionally conducted, financed, managed, supervised, directed and owned all or part of an illegal gambling business, which operated in violation of the laws of the state of New York, to wit: New York Penal Law Section 225.05, which involved five or more people who conducted, financed, managed, supervised, directed and owned all or part of the business and which remained in substantially continuous operation for a period in excess of thirty days.

(Title 18, United States Code, Sections 1955, 2 and 3551 et seq.)

COUNT FIFTY-ONE  
(Unlawful Labor Payments: Company 1)

138. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

139. In or about 2000, within the Eastern District of New York, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," being a representative of employees, who were members of Local 15 and were then employed in an industry affecting commerce, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money from an employer, to wit: Company 1, and from a person who acted in the interest of said employer of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIFTY-TWO  
(Unlawful Labor Payments: Company 1)

140. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

141. In or about and between Spring 2001 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York, the defendant DANIEL J. MURPHY, being a representative of employees, who were members of Local 15 and were then employed in an industry affecting commerce, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in excess of \$1,000 from an

employer, to wit: Company 1, and from a person who acted in the interest of said employer of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 3551 et seq.)

COUNT FIFTY-THREE

(Unlawful Labor Payments: E.G. Clemente Contracting Corp.)

142. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

143. In or about and between December 1989 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendants THOMAS P. MCGUIRE, also known as "Thomas Maguire," THOMAS G. MCNAMARA, also known as "Tommy Mac," and DANIEL J. MURPHY, being representatives of employees, who were members of Local 15 and were then employed in an industry affecting commerce, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in excess of \$1,000 from an employer, to wit: E.G. Clemente Contracting Corp., and from a person who acted in the interest of said employer of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 3551 et seq.)



COUNT FIFTY-FOUR

(Unlawful Labor Payments: E.G. Clemente Contracting Corp.)

144. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

145. In or about and between December 1989 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant EMIL GARY CLEMENTE, who was a person acting in the interest of an employer, to wit: E.G. Clemente Contracting Corp., knowingly and willfully paid, lent and delivered money and other things of value in excess of \$1,000 to officers and employees of Local 14 and Local 15, labor organizations which represented, sought to represent and would admit to membership such employer's employees who were then employed in an industry affecting commerce.

(Title 29, United States Code, Sections 186(a)(2) and 186(d)(2); Title 18, United States Code, Sections 3551 et seq.)

COUNT FIFTY-FIVE

(Unlawful Labor Payments: Company 2)

146. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

147. In or about and between June 1993 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendants THOMAS P. MCGUIRE,

also known as "Thomas Maguire," THOMAS G. MCNAMARA, also known as "Tommy Mac," and DANIEL J. MURPHY, being representatives of employees, who were members of Local 15 and were then employed in an industry affecting commerce, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of value in excess of \$1,000 from an employer, to wit: Company 2, and from a person who acted in the interest of said employer of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 3551 et seq.)

COUNT FIFTY-SIX  
(Unlawful Labor Payments: Company 3)

148. The allegations in paragraphs 1 through 19 are realleged and incorporated as if fully set forth in this paragraph.

149. In or about and between December 1992 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," being a representative of employees, who were members of Local 15 and were then employed in an industry affecting commerce, knowingly and willfully requested, demanded, received and accepted and agreed to receive and accept payments and deliveries of money and other things of

value in excess of \$1,000 from an employer, to wit: Company 3, the identity of which is known to the grand jury, and from a person who acted in the interest of said employer of the employees.

(Title 29, United States Code, Sections 186(a)(1), 186(b)(1) and 186(d)(2); Title 18, United States Code, Sections 3551 et seq.)

COUNT FIFTY-SEVEN

(Conspiracy to Defraud the United States)

150. In or about and between January 2000 and April 15, 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," together with others, knowingly and intentionally conspired to defraud the United States by impeding, impairing, obstructing and defeating the lawful functions of the Internal Revenue Service of the Treasury Department, an agency and department of the United States, in the ascertainment, computation, assessment and collection of revenue, to wit: income taxes, from the defendant MCNAMARA.

151. It was a part of the conspiracy that the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," together with others, would and did submit and cause to be submitted false information regarding hours worked to contractors at various Job Sites, claiming that certain hours had been worked by Union members who had, in fact, not worked those hours, in order

fraudulently to obtain wages and contributions to benefit plans.

152. It was a further part of the conspiracy that Union members received wages which they had not earned and shared those wages with the defendant MCNAMARA.

153. It was a further part of the conspiracy that the defendant MCNAMARA did not declare on his United States personal income tax returns his share of wages received from Union members.

154. In furtherance of the conspiracy and to effect the objectives thereof, within the Eastern District of New York and elsewhere, the defendant MCNAMARA, together with others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. On or about January 23, 2001, coconspirators had a conversation.

b. On or about January 31, 2001, the defendant THOMAS G. MCNAMARA and a coconspirator had a conversation.

c. On or about March 15, 2001, the defendant THOMAS G. MCNAMARA filed a United States personal income tax return for the year 2000.

d. On or about June 4, 2001, coconspirators had a conversation.

e. On or about March 31, 2002, the defendant

THOMAS G. MCNAMARA filed a United States personal income tax return for the year 2001.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT FIFTY-EIGHT

(Making a False Return: THOMAS G. MCNAMARA 2000)

155. On or about March 15, 2001, within the Eastern District of New York and elsewhere, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," knowingly and willfully made and subscribed a United States income tax return, Form 1040, for the year 2000, which was verified by a written declaration that it was made under penalties of perjury and was filed with the Internal Revenue Service, which said income tax return he did not believe to be true and correct as to every material matter in that he reported that his total income was \$173,061, whereas, as he well knew and believed, his total income was substantially greater than \$173,061.

(Title 26, United States Code, Section 7206(1); Title 18, United States Code, Sections 3551 et seq.)

COUNT FIFTY-NINE

(Making a False Return: THOMAS G. MCNAMARA 2001)

156. On or about March 31, 2002, within the Eastern District of New York and elsewhere, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," knowingly and willfully made and subscribed a United States income tax return, Form 1040, for

the year 2001, which was verified by a written declaration that it was made under penalties of perjury and was filed with the Internal Revenue Service, which said income tax return he did not believe to be true and correct as to every material matter in that he reported that his total income was \$179,204, whereas, as he well knew and believed, his total income was substantially greater than \$179,204.

(Title 26, United States Code, Section 7206(1); Title 18, United States Code, Sections 3551 et seq.)

ADDITIONAL ALLEGATIONS AS TO COUNT ONE, RACKETEERING ACTS 1-3,  
COUNT TWO AND COUNTS FOUR THROUGH SIX  
(Extortion and Extortion Conspiracy)

157. The allegations contained in Count One, Racketeering Acts 1 through 3, Count Two and Counts Four through Six are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Acts 1 through 3, Count Two and Counts Four through Six.

158. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendants JOHN J. DEROSS, LAWRENCE A. PERSICO, VINCENT RICCIARDO, PAUL J. BUCKLEY and CHARLES J. PANARELLA, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by these defendants in concert with

others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The offense involved an implied threat of bodily injury (U.S.S.G. § 2B3.2(b)(1)).

b. The loss was more than \$250,000 (U.S.S.G. § 2B3.2(b)(2), 2B3.1(b)(7)(D)).

159. The defendants JOHN J. DEROSS and VINCENT RICCIARDO were organizers and leaders of criminal activity that involved five or more participants and was otherwise extensive (U.S.S.G. § 3B1.1(a)).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE, RACKETEERING ACT 4, COUNT TWO AND COUNTS SEVEN THROUGH SEVENTEEN  
(Mail Fraud Conspiracy and Mail Fraud: Local 15 Jobs)

160. The allegations contained in Count One, Racketeering Act 4, Count Two and Counts Seven through Seventeen are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Act 4, Count Two and Counts Seven through Seventeen.

161. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant DANIEL J. MURPHY, and (b) all reasonably foreseeable acts and omissions of others in

furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The loss was more than \$400,000 (U.S.S.G. § 2B1.1(b)(1)(H)).

b. The offense involved 10 or more victims (U.S.S.G. § 2B1.1(b)(2)(A)(i)).

162. The defendant DANIEL J. MURPHY abused his position of private trust as a business agent of Local 15 in a manner that significantly facilitated the commission of the offense (U.S.S.G. § 3B1.3).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE,  
RACKETEERING ACTS 5 AND 7, AND COUNTS TWO, EIGHTEEN,  
NINETEEN AND TWENTY-THREE THROUGH TWENTY-SIX  
(Mail Fraud: Roadway Contracting, Inc. and Brooklyn General Post  
Office Job Site)

163. The allegations contained in Count One, Racketeering Acts 5 and 7, and Counts Two, Eighteen, Nineteen and Twenty-three through Twenty-six are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Acts 5 and 7, and Counts Two, Eighteen, Nineteen and Twenty-three through Twenty-six.



164. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant LAWRENCE A. PERSICO, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The loss was more than \$400,000 (U.S.S.G. § 2B1.1(b)(1)(H)).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE, RACKETEERING ACT 6A, AND COUNTS TWO, TWENTY, TWENTY-TWO, TWENTY-NINE AND THIRTY-SEVEN (Unlawful Labor Payments: Oceana Condos, Brooklyn General Post Office, Staten Island Yankee Stadium and P.S. 58 Staten Island Job Sites)

165. The allegations contained in Count One, Racketeering Act 6A, and Counts Two, Twenty, Twenty-two, Twenty-nine and Thirty-seven are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Act 6A, and Counts Two, Twenty, Twenty-two, Twenty-nine and Thirty-seven.

166. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and

willfully caused by the defendants THOMAS G. MCNAMARA and ARTHUR L. PALMER, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendants in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The defendants THOMAS G. MCNAMARA and ARTHUR L. PALMER (with respect to Racketeering Act 6A and Count Twenty only) were fiduciaries of a labor organization (U.S.S.G. § 2E5.1(b)(1)).

b. The value of the prohibited payments with respect to the defendant THOMAS G. MCNAMARA was more than \$1,000,000 (U.S.S.G. §§ 2E5.1(b)(2), 2B1.1(b)(1)(I)).

c. The value of the prohibited payments with respect to the defendant ARTHUR L. PALMER was more than \$70,000 (U.S.S.G. §§ 2E5.1(b)(2), 2B1.1(b)(1)(E)).

ADDITIONAL ALLEGATIONS AS TO COUNT THIRTY-FOUR  
(Unlawful Labor Payments: Coney Island Mets Stadium Job Site)

167. The allegations contained in Count Thirty-four are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count Thirty-four.

168. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant ANTHONY QUARANTA, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The defendant ANTHONY QUARANTA was a fiduciary of a labor organization (U.S.S.G. § 2E5.1(b)(1)).

b. The value of the prohibited payments was more than \$120,000 (U.S.S.G. §§ 2E5.1(b)(2), 2B1.1(b)(1)(F)).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE, RACKETEERING ACTS 6B, 8 and 10, AND COUNTS TWO, TWENTY-ONE, TWENTY-SEVEN, TWENTY-EIGHT, THIRTY THROUGH THIRTY-THREE AND THIRTY-EIGHT THROUGH FORTY-SIX (Mail Fraud: Oceana Condos, Brooklyn General Post Office, Staten Island Yankee Stadium and P.S. 58 Staten Island Job Sites)

169. The allegations contained in Count One, Racketeering Acts 6B, 8 and 10, and Counts Two, Twenty-one, Twenty-seven, Twenty-eight, Thirty through Thirty-three and Thirty-eight through Forty-six are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Acts 6B, 8 and 10, and Counts Two,

Twenty-one, Twenty-seven, Twenty-eight, Thirty through Thirty-three and Thirty-eight through Forty-Six.

170. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendants THOMAS G. MCNAMARA and ARTHUR L. PALMER, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendants in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The loss with respect to the defendant THOMAS G. MCNAMARA was more than \$1,000,000 (U.S.S.G. § 2B1.1(b)(1)(I)).

b. The loss with respect to the defendant ARTHUR L. PALMER was more than \$70,000 (U.S.S.G. § 2B1.1(b)(1)(E)).

c. The offense involved 10 or more victims (U.S.S.G. § 2B1.1(b)(2)(A)(i)).

171. The defendant THOMAS G. MCNAMARA was a manager and supervisor of criminal activity that involved five or more participants and was otherwise extensive (U.S.S.G. § 3B1.1(b)).

172. The defendant THOMAS G. MCNAMARA abused his position of private trust as a business agent of Local 15 in a

manner that significantly facilitated the commission of the offense (U.S.S.G. § 3B1.3).

ADDITIONAL ALLEGATIONS AS TO COUNT THIRTY-FIVE  
(Mail Fraud: Coney Island Mets Stadium Job Site)

173. The allegations contained in Count Thirty-five are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count Thirty-five.

174. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant ANTHONY QUARANTA, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The loss was more than \$120,000 (U.S.S.G. § 2B1.1(b)(1)(F)).

175. The defendant ANTHONY QUARANTA abused his position of private trust as a Maintenance Foreman for Local 15 in a manner that significantly facilitated the commission of the offense (U.S.S.G. § 3B1.3).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE, RACKETEERING ACT 9,  
AND COUNTS TWO AND THIRTY-SIX

(Mail Fraud: Kingsborough Community College Job Site)

176. The allegations contained in Count One, Racketeering Act 9, and Counts Two and Thirty-six are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Act 9, and Counts Two and Thirty-six.

177. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant JOHN J. DEROSS, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The loss was more than \$200,000 (U.S.S.G. § 2B1.1(b)(1)(G)).

178. The defendant JOHN J. DEROSS was an organizer and leader of criminal activity that involved five or more participants and was otherwise extensive (U.S.S.G. § 3B1.1(a)).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE, RACKETEERING ACT 12, AND  
COUNTS TWO, FORTY-NINE AND FIFTY  
(Illegal Gambling Conspiracy and Illegal Gambling)

179. The allegations contained in Count One, Racketeering Act 12, and Counts Two, Forty-nine and Fifty are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Act 12, and Counts Two, Forty-nine and Fifty.

180. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendants VINCENT RICCIARDO and PAUL J. BUCKLEY, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendants in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The offense was engaging in a gambling business (U.S.S.G. § 2E3.1(a)(1)(A)).

181. The defendant VINCENT RICCIARDO was an organizer and leader of criminal activity that involved five or more participants and was otherwise extensive (U.S.S.G. § 3B1.1(a)).

182. The defendant PAUL J. BUCKLEY was a manager and supervisor of criminal activity that involved five or more participants and was otherwise extensive (U.S.S.G. § 3B1.1(b)).

ADDITIONAL ALLEGATIONS AS TO COUNT FIFTY-ONE  
(Unlawful Labor Payments: Company 1)

183. The allegations contained in Count Fifty-one are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count Fifty-one.

184. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant THOMAS G. MCNAMARA and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The defendant THOMAS G. MCNAMARA was a fiduciary of a labor organization (U.S.S.G. § 2E5.1(b)(1)).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE, RACKETEERING ACT 13, AND  
COUNTS TWO AND FIFTY-TWO  
(Unlawful Labor Payments: Company 1)

185. The allegations contained in Count One, Racketeering Act 13, and Counts Two and Fifty-two are hereby



realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Act 13, and Counts Two and Fifty-two.

186. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant DANIEL J. MURPHY and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The defendant DANIEL J. MURPHY was a fiduciary of a labor organization (U.S.S.G. § 2E5.1(b)(1)).

b. The value of the prohibited payments was more than \$10,000 (U.S.S.G. §§ 2E5.1(b)(2), 2B1.1(b)(1)(C)).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE, RACKETEERING ACT 14, AND  
COUNTS TWO AND FIFTY-THREE  
(Unlawful Labor Payments: E.G. Clemente Corp.)

187. The allegations contained in Count One, Racketeering Act 14, and Counts Two and Fifty-three are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated

by reference into Count One, Racketeering Act 14, and Counts Two and Fifty-three.

188. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendants THOMAS P. MCGUIRE, DANIEL J. MURPHY and THOMAS G. MCNAMARA and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendants in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The defendants THOMAS P. MCGUIRE, DANIEL J. MURPHY and THOMAS G. MCNAMARA were fiduciaries of a labor organization (U.S.S.G. § 2E5.1(b)(1)).

b. The value of the prohibited payments with respect to the defendants THOMAS P. MCGUIRE and DANIEL J. MURPHY was more than \$10,000 (U.S.S.G. §§ 2E5.1(b)(2), 2B1.1(b)(1)(C)).

c. The value of the prohibited payments with respect to the defendant THOMAS G. MCNAMARA was more than \$5,000 (U.S.S.G. §§ 2E5.1(b)(2), 2B1.1(b)(1)(B)).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE,  
RACKETEERING ACT 15, AND COUNTS TWO AND FIFTY-FOUR  
(Unlawful Labor Payments: E.G. Clemente Corp.)

189. The allegations contained in Count One, Racketeering Act 15, and Counts Two and Fifty-four are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Act 15, and Counts Two and Fifty-four.

190. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant EMIL GARY CLEMENTE, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The value of the prohibited payments was more than \$120,000 (U.S.S.G. §§ 2E5.1(b)(2), 2B1.1(b)(1)(F)).

ADDITIONAL ALLEGATIONS AS TO COUNT ONE, RACKETEERING ACT 16, AND  
COUNTS TWO AND FIFTY-FIVE  
(Unlawful Labor Payments: Company 2)

191. The allegations contained in Count One, Racketeering Act 16, and Counts Two and Fifty-five are hereby

realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count One, Racketeering Act 16, and Counts Two and Fifty-five.

192. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendants THOMAS P. MCGUIRE, DANIEL J. MURPHY and THOMAS G. MCNAMARA, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendants in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The defendants THOMAS P. MCGUIRE, DANIEL J. MURPHY and THOMAS G. MCNAMARA were fiduciaries of a labor organization (U.S.S.G. § 2E5.1(b)(1)).

b. The value of the prohibited payments was more than \$30,000 (U.S.S.G. §§ 2E5.1(b)(2), 2B1.1(b)(1)(D)).

ADDITIONAL ALLEGATIONS AS TO COUNT FIFTY-SIX  
(Unlawful Labor Payments: Company 3)

193. The allegations contained in Count Fifty-six are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated

by reference into Count Fifty-six.

194. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant THOMAS G. MCNAMARA, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The defendant THOMAS G. MCNAMARA was a fiduciary of a labor organization (U.S.S.G. § 2E5.1(b)(1)).

ADDITIONAL ALLEGATIONS AS TO COUNT FIFTY-SEVEN  
(Conspiracy to Defraud the United States)

195. The allegations contained in Count Fifty-seven are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Count Fifty-seven.

196. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant THOMAS G. MCNAMARA, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which

occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The tax loss was more than \$30,000 (U.S.S.G. §§ 2T1.9(a)(1), 2T4.1(E)).

ADDITIONAL ALLEGATIONS AS TO COUNTS FIFTY-EIGHT AND FIFTY-NINE  
(Making False Returns)

197. The allegations contained in Counts Fifty-eight and Fifty-nine are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Counts Fifty-eight and Fifty-nine.

198. Based on (a) acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, and willfully caused by the defendant THOMAS G. MCNAMARA, and (b) all reasonably foreseeable acts and omissions of others in furtherance of a criminal plan, scheme, endeavor, and enterprise undertaken by the defendant in concert with others; all of which occurred during the commission of the offense of conviction, in preparation for that offense, and in the course of attempting to avoid detection and responsibility for that offense, the following conduct occurred (U.S.S.G. § 1B1.3(a)(1)):

a. The tax loss was more than \$5,000 (U.S.S.G. §§ 2T1.1(a)(1), 2T4.1(C)).

CRIMINAL FORFEITURE ALLEGATIONS

A. Criminal Forfeiture Allegation for Counts One and Two

199. The United States hereby gives notice to the defendants charged in Counts One and Two that, upon conviction of either such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 1963, which requires any person convicted of such offenses to forfeit any property such defendants:

a. have acquired an interest in and maintained in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

b. have an interest in, security of, claims against, and property and contractual rights which afford a source of influence over the enterprise named and described herein that the defendants established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); and

c. derived from proceeds obtained, directly and indirectly, from racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to

forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

200. The interests of the defendants subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1), (a)(2), and (a)(3), include, but are not limited to:

a. the sum of at least Two Million Seventy-eight Thousand One Hundred Forty-one Dollars (\$2,078,141.00).

b. the International Union of Operating Engineers membership positions of each and every defendant named in paragraphs 16, 17 and 18, which said defendants operated, controlled, conducted, and participated in, in violation of Title 18, United States Code, Section 1962.

201. The defendants named in Count One, and each of them, are jointly and severally liable for the forfeiture obligations as alleged above, as are the defendants named in Count Two.

202. If any of the above-described forfeitable property, as a result of any act or omission of the defendants --

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or



- e. Has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 1963(m), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 1963)

B. Criminal Forfeiture Allegation for Counts Four Through Fifty-seven

203. The United States hereby gives notice to the defendants charged in Counts Four through Fifty-seven that, upon conviction of any such offenses the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property constituting or derived from proceeds traceable to such offenses.

204. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or

- e. Has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

205. All defendants convicted of the conspiracies charged in Counts Four, Seven, Forty-seven, and Forty-nine shall be jointly and severally liable for the forfeiture obligations arising from the conviction of such conspiracies.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853; Title 28, United States Code, Section 2461(c))

A TRUE BILL

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FOREPERSON

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ROSLYNN R. MAUSKOPF  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK