

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

- v. - :

RICHARD GRIFFIN, and
FRANK GILLETTE, :

Defendants. :

- - - - - x

SEALED INDICTMENT

18 CRIM

022
18 Cr.

COUNT ONE
(Conspiracy to Commit Mail Fraud)

The Grand Jury charges:

BACKGROUND

Hurricane Sandy

1. From in or about October 2012 through in or about November 2012, the East Coast of the United States was hit by Hurricane Sandy, the second-largest Atlantic storm in recorded history at that time. The effects of Hurricane Sandy were felt in approximately 24 states, displacing tens of thousands of people from their homes, leaving more than eight million people without power, causing tens of billions of dollars in damage, and killing at least 160 people.

2. The Tri-State area of New York, New Jersey, and Connecticut was hit particularly hard, with record storm surges that devastated the coastal areas of the region and left lower Manhattan underwater and without power.

3. On or about October 30, 2012, President Obama declared Hurricane Sandy a major disaster in New York, which made federal funding available to New York State and local governments for, among other things, debris removal and cleanup.

New York City's Hurricane Sandy Cleanup Efforts

4. In the aftermath of Hurricane Sandy, the New York City Department of Sanitation ("DSNY") contracted with private vendors (the "Vendors") to remove over 280,000 cubic yards of debris left on the roadways and rights-of-way throughout the five boroughs of New York City.

5. One of the vendors ("Vendor-1") further subcontracted debris removal to smaller companies that owned or rented the machinery needed to complete the debris removal. At all times relevant to this Indictment, RICHARD GRIFFIN, the defendant, worked for Vendor-1, and also owned and operated one of the subcontractors ("Subcontractor-1"). At all times relevant to this Indictment, FRANK GILLETTE, the defendant, owned and operated another subcontractor ("Subcontractor-2").

6. In order to monitor the work performed during the cleanup effort, DSNY required Vendors to submit certain paperwork ("Time Certificates") that tracked the particular machines used and the date and time of usage. At the end of the project, DSNY paid the Vendors based on the information contained in the Time Certificates.

7. The Federal Emergency Management Agency reimbursed DSNY for 90% of the cost of the debris removal performed in the wake of Hurricane Sandy.

The Fraudulent Time Certificates Scheme

8. RICHARD GRIFFIN and FRANK GILLETTE, the defendants, submitted and caused to be submitted fraudulent Time Certificates ("Fraudulent Time Certificates") to DSNY, which purported to show debris removal that Subcontractor-1 and Subcontractor-2 were performing during the Hurricane Sandy cleanup effort, but which in fact was not performed.

9. As a result of submitting Fraudulent Time Certificates, RICHARD GRIFFIN and FRANK GILLETTE, the defendants, obtained over \$80,000 in fraudulent payments from DSNY through Vendor-1.

STATUTORY ALLEGATIONS

10. From at least in or about November 2012, up to and including in or about February 2013, in the Southern District of New York and elsewhere, RICHARD GRIFFIN and FRANK GILLETTE, the defendants, and others known and unknown, conspired to violate Title 18, United States Code, Section 1341.

11. It was a part and object of the conspiracy that RICHARD GRIFFIN and FRANK GILLETTE, the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and

property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting to do so, knowingly would and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did take and receive therefrom, such matter and thing, and would and did cause to be delivered by mail according to the direction thereon, and at the place at which it is directed to be delivered by the person to whom it is addressed, a matter and thing, in violation of Title 18, United States Code, Section 1341, to wit, GRIFFIN and GILLETTE, and others, agreed to submit Fraudulent Time Certificates, which resulted in the City of New York mailing a check to pay them for work purportedly performed by their respective companies during the cleanup effort in New York City following Hurricane Sandy, a presidentially declared major disaster.

(Title 18, United States Code, Section 1349;
Title 42, United States Code, Section 5122(2).)

COUNT TWO
(Mail Fraud)

The Grand Jury further charges:

12. Paragraphs 1 through 9 are repeated and incorporated by reference as though fully set forth herein.

13. From at least in or about November 2012 until at least in or about February 2013, in the Southern District of New

York and elsewhere, RICHARD GRIFFIN and FRANK GILLETTE, the defendants, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting to do so, knowingly did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and did take and receive therefrom, such matter and thing, and did cause to be delivered by mail according to the direction thereon, and at the place at which it is directed to be delivered by the person to whom it is addressed, a matter and thing, in violation of Title 18, United States Code, Section 1341, to wit, GRIFFIN and GILLETTE caused to be sent and received, and aided and abetted the sending and receipt of, a check from the City of New York to pay them for work purportedly performed by their respective companies during the cleanup effort in New York City following Hurricane Sandy, a presidentially declared major disaster.

(Title 18, United States Code, Section 1341 and 2;
Title 42, United States Code, Section 5122(2).)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

14. As a result of committing the offenses alleged in Counts One and Two of this Indictment, RICHARD GRIFFIN and FRANK GILLETTE, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C)

and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that the defendants personally obtained.

Substitute Asset Provision

15. If any of the above described forfeitable property, as a result of any act or omission of RICHARD GRIFFIN and FRANK GILLETTE, the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21,
United States Code, Section 853(p) and Title 28, United States
Code, Section 2461(c), to seek forfeiture of any other property
of the defendants up to the value of the above forfeitable
property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)

FOREPERSON



GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RICHARD GRIFFIN, and
FRANK GILLETTE,

Defendants.

SEALED INDICTMENT

18 Cr. ____

(18 U.S.C. §§ 1341, 1349, and 2.)

GEOFFREY S. BERMAN
United States Attorney.

Foreperson.
