

DRA:BMR:JL  
F#2002R00891  
DEROSS.SUP3.IND

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	<u>S U P E R S E D I N G</u> <u>I N D I C T M E N T</u>
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- against -	Cr. No. <u>03-191 (S-6) (SJ)</u>
THOMAS P. MCGUIRE,	(T. 18, U.S.C., §§ 371, 1341,
also known as "Thomas Maguire,"	1962(c), 1962(d), 1963, 2,
THOMAS G. MCNAMARA,	981(a)(1)(C) and 3551 <u>et</u>
also known as "Tommy Mac,"	<u>seq.</u> ; T. 21, U.S.C., § 853;
DANIEL J. MURPHY and	T. 26, U.S.C., § 7206(1);
ANTHONY QUARANTA,	T. 28, U.S.C., § 2461(c);
	T. 29, U.S.C., §§ 186(a)(1),
	186(b)(1) and 186(d)(2))
Defendants.	

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THE GRAND JURY CHARGES:

At all times relevant to this superseding indictment,  
unless otherwise indicated:

The International Union of Operating Engineers

1. 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.

2. 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").

3. 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").

#### Local 15

4. Local 15 members elected certain officers, including a Business Manager. Local 15 members were also represented by Business Agents, who were appointed by the Business Manager. Each Business Agent had responsibility for overseeing Local 15's business in separate geographic areas of greater New York City. Among other duties, the Business Agents ensured contractors' compliance with collective bargaining

agreements. Local 15 employed and paid a salary to each person employed as a Business Manager or Business Agent.

5. Local 15 designated "Maintenance Foremen" to oversee certain Job Sites as they affected Local 15 members. In that capacity, Maintenance Foremen acted as representatives of Local 15's members.

#### The Local 15 Enterprise

6. Local 15 constituted an "enterprise" as defined by Title 18, United States Code, Section 1961(4) (the "Local 15 Enterprise"). The Local 15 Enterprise operated in the Eastern District of New York and elsewhere.

#### The Defendants

7. 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.

8. 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.

9. At various times relevant to this superseding indictment, the defendant ANTHONY QUARANTA was a member of Local 15. At certain Job Sites, QUARANTA was a Maintenance Foreman. In that capacity, he acted as a representative of Local 15's

members.

10. The defendants participated in the operation and management of the Local 15 Enterprise in order to, among other things, make money illicitly through the commission of crimes, including unlawful labor payments and mail fraud.

COUNT ONE  
(Racketeering)

11. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

12. In or about and between December 1989 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants THOMAS P. MCGUIRE, also known as "Thomas Maguire," THOMAS G. MCNAMARA, also known as "Tommy Mac," and DANIEL J. MURPHY, together with others, being persons employed by and associated with the Local 15 Enterprise, 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  
(Mail Fraud - Local 15 Jobs)

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

14. 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.

15. 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.

16. 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
1A	May 13, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
1B	August 5, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
1C	December 30, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
1D	April 28, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
1E	September 14, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
1F	January 11, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
1G	July 6, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
1H	December 21, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
1I	April 25, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15
1J	August 7, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15

RACKETEERING ACT TWO  
(Oceana Condos Job Site)

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

A. Unlawful Labor Payments

18. 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 THOMAS G. MCNAMARA, 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

19. 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 THOMAS G. MCNAMARA, 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.

20. It was part of the scheme and artifice that the defendant THOMAS G. MCNAMARA, 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.

21. For the purpose of executing the scheme and artifice, the defendant THOMAS G. MCNAMARA, 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 a coconspirator 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 THREE  
(Brooklyn General Post Office Job Site)

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

A. Unlawful Labor Payments

23. 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, 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, 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

24. 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, 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.

25. It was part of the scheme and artifice that the defendant THOMAS G. MCNAMARA, 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.

26. For the purpose of executing the scheme and artifice, the defendant THOMAS G. MCNAMARA, 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
3B-1	December 12, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
3B-2	April 3, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15

RACKETEERING ACT FOUR  
(Staten Island Yankee Stadium Job Site)

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

A. Unlawful Labor Payments

28. 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, 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, 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

29. 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, 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.

30. It was part of the scheme and artifice that the defendant THOMAS G. MCNAMARA, 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.

31. For the purpose of executing the scheme and artifice, the defendant THOMAS G. MCNAMARA, 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
4B-1	December 27, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
4B-2	January 10, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
4B-3	April 10, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
4B-4	August 7, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15

RACKETEERING ACT FIVE  
(P.S. 58 Staten Island Job Site)

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

A. Unlawful Labor Payments

33. 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, 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, 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

34. 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 THOMAS G. MCNAMARA, 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.

35. It was part of the scheme and artifice that the defendant THOMAS G. MCNAMARA, 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.

36. For the purpose of executing the scheme and

artifice, the defendant THOMAS G. MCNAMARA, 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
5B-1	January 31, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
5B-2	March 1, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
5B-3	April 10, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
5B-4	April 19, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
5B-5	May 29, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
5B-6	July 11, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
5B-7	July 16, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
5B-8	December 12, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
5B-9	April 3, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15

RACKETEERING ACT SIX

(Unlawful Labor Payments: Company 1)

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

A. Unlawful Labor Payments

38. 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) and Title 18, United States Code, Section 2.

B. Receipt of Labor Bribes

39. 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 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 SEVEN

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

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

A. Unlawful Labor Payments

41. 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, THOMAS G. MCNAMARA 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) and Title 18, United States Code, Section 2.

B. Receipt of Labor Bribes

42. 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, THOMAS G. MCNAMARA 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 EIGHT  
(Unlawful Labor Payments: Company 2)

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

A. Unlawful Labor Payments

44. 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, THOMAS G. MCNAMARA 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) and Title 18, United States Code, Section 2.

B. Receipt of Labor Bribes

45. 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, THOMAS G. MCNAMARA 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.

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RACKETEERING ACT NINE

(Unlawful Labor Payments: Company 3)

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

A. Unlawful Labor Payments

47. 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, 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, 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. Receipt of Labor Bribes

48. 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, 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.

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

COUNT TWO  
(Racketeering Conspiracy)

49. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

50. In or about and between December 1989 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants THOMAS P. MCGUIRE, also known as "Thomas Maguire," THOMAS G. MCNAMARA and DANIEL J. MURPHY, together with others, being persons

employed by and associated with the Local 15 Enterprise, 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).

51. 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 13 through 48 of Count One, as Racketeering Acts 1 through 9, 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

(Mail Fraud Conspiracy - Local 15 Jobs)

52. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

53. 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.

54. 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.

55. 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 FOUR THROUGH THIRTEEN  
(Mail Fraud: Local 15 Member)

56. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

57. 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.

58. 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.

59. 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
4	May 13, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
5	August 5, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
6	December 30, 1999	Coconspirator's Vacation Check	Vacation Fund of Local 15
7	April 28, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
8	September 14, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
9	January 11, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
10	July 6, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
11	December 21, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
12	April 25, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15
13	August 7, 2002	Coconspirator's Vacation Check	Vacation Fund of Local 15

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

COUNT FOURTEEN

(Unlawful Labor Payments: Oceana Condos Job Site)

60. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

61. 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 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 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 FIFTEEN

(Mail Fraud: Oceana Condos Job Site)

62. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

63. 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 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.

64. It was part of the scheme and artifice 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, 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.

65. For the purpose of executing the scheme and artifice, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," 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 coconspirator'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 SIXTEEN

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

66. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

67. 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 SEVENTEEN AND EIGHTEEN

(Mail Fraud: Brooklyn General Post Office Job Site)

68. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this

paragraph.

69. 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 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.

70. It was part of the scheme and artifice 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 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.

71. For the purpose of executing the scheme and artifice, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," 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	Approximate Date of Mailing	Description	Sender
17	December 12, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
18	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 NINETEEN

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

72. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

73. 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 TWENTY THROUGH TWENTY-THREE  
(Mail Fraud: Staten Island Yankee Stadium Job Site)

74. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

75. In or about and between March 2000 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," 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.

76. It was part of the scheme and artifice 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, 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.

77. For the purpose of executing the scheme and artifice, the defendant THOMAS G. MCNAMARA, also known as "Tommy Mac," 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
20	December 27, 2000	Coconspirator's Vacation Check	Vacation Fund of Local 15
21	January 10, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
22	April 10, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
23	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 TWENTY-FOUR

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

78. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

79. 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 TWENTY-FIVE

(Mail Fraud: Coney Island Mets Stadium Job Site)

80. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

81. 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.

82. 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.

83. 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 TWENTY-SIX

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

84. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

85. 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 TWENTY-SEVEN THROUGH THIRTY-FIVE  
(Mail Fraud: P.S. 58 Staten Island Job Site)

86. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

87. 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 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.

88. It was part of the scheme and artifice 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, 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.

89. For the purpose of executing the scheme and artifice, the defendant THOMAS G. MCNAMARA, 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	Approx. Date of Mailing	Description	Sender
27	January 31, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
28	March 1, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
29	April 10, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
30	April 19, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
31	May 29, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.
32	July 11, 2001	Daily Sign Out Log Mail Certification	DeMatteis Constr. Corp.

Count	Approx. Date of Mailing	Description	Sender
33	July 16, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
34	December 12, 2001	Coconspirator's Vacation Check	Vacation Fund of Local 15
35	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 THIRTY-SIX  
(Unlawful Labor Payments: Company 1)

90. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

91. 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 2 and 3551 et seq.)

COUNT THIRTY-SEVEN

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

92. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

93. 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 2 and 3551 et seq.)

COUNT THIRTY-EIGHT

(Unlawful Labor Payments: Company 2)

94. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

95. 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 2 and 3551 et seq.)

COUNT THIRTY-NINE

(Unlawful Labor Payments: Company 3)

96. The allegations in paragraphs 1 through 10 are realleged and incorporated as if fully set forth in this paragraph.

97. 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 2 and 3551 et seq.)

COUNT FORTY

(Conspiracy to Defraud the United States)

98. 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.

99. 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.

100. 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.

101. 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.

102. 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 FORTY-ONE

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

103. 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 FORTY-TWO

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

104. 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 ACT 1, COUNT  
TWO AND COUNTS THREE THROUGH THIRTEEN  
(Mail Fraud Conspiracy and Mail Fraud: Local 15 Jobs)

105. The allegations contained in Count One, Racketeering Act 1, Count Two and Counts Three through Thirteen 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 1, Count Two and Counts Three through Thirteen.

106. 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)).

107. 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 2A, 3A, 4A and 5A, AND COUNTS TWO, FOURTEEN, SIXTEEN, NINETEEN AND TWENTY-SIX  
(Unlawful Labor Payments: Oceana Condos, Brooklyn General Post Office, Staten Island Yankee Stadium and P.S. 58 Staten Island Job Sites)

108. The allegations contained in Count One, Racketeering Acts 2A, 3A, 4A and 5A, and Counts Two, Fourteen, Sixteen, Nineteen and 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 2A, 3A, 4A and 5A, and Counts Two, Fourteen, Sixteen, Nineteen and Twenty-six.

109. 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)).

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)).

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

110. The allegations contained in Count Twenty-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 Twenty-four.

111. 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 2B, 3B, 4B and 5B, AND COUNTS TWO, FIFTEEN, SEVENTEEN, EIGHTEEN, TWENTY THROUGH TWENTY-THREE AND TWENTY-SEVEN THROUGH THIRTY-FIVE (Mail Fraud: Oceana Condos, Brooklyn General Post Office, Staten Island Yankee Stadium and P.S. 58 Staten Island Job Sites)

112. The allegations contained in Count One, Racketeering Acts 2B, 3B, 4B and 5B, and Counts Two, Fifteen, Seventeen, Eighteen, Twenty through Twenty-three and Twenty-seven through 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 One, Racketeering Acts 2B, 3B, 4B and 5B, and Counts Two, Fifteen, Seventeen, Eighteen, Twenty through Twenty-three and Twenty-seven through Thirty-five.

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

114. 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)).

115. 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 TWENTY-FIVE  
(Mail Fraud: Coney Island Mets Stadium Job Site)

116. The allegations contained in Count Twenty-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 Twenty-five.

117. 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)).

118. 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 6, AND  
COUNTS TWO AND THIRTY-SIX  
(Unlawful Labor Payments: Company 1)

119. The allegations contained in Count One, Racketeering Act 6, 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 6, and Counts Two and Thirty-six.

120. 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 7, AND  
COUNTS TWO AND THIRTY-SEVEN

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

121. The allegations contained in Count One, Racketeering Act 7, and Counts Two 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 7, and Counts Two and Thirty-seven.

122. 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 8, AND  
COUNTS TWO AND THIRTY-EIGHT  
(Unlawful Labor Payments: Company 2)

123. The allegations contained in Count One, Racketeering Act 8, and Counts Two and Thirty-eight 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 8, and Counts Two and Thirty-eight.

124. 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 ONE, RACKETEERING ACT 9, AND  
COUNTS TWO AND THIRTY-NINE  
(Unlawful Labor Payments: Company 3)

125. The allegations contained in Count One, Racketeering Act 9, and Counts Two and Thirty-nine 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-nine.

126. 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 FORTY  
(Conspiracy to Defraud the United States)

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

128. 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 FORTY-ONE AND FORTY-TWO  
(Making False Returns)

129. The allegations contained in Counts Forty-one and Forty-two are hereby realleged and incorporated as if fully set forth in this paragraph, and the additional allegations below are incorporated by reference into Counts Forty-one and Forty-two.

130. 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

131. 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).

132. 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.

133. 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.

134. 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  
Three Through Thirty-Nine

135. The United States hereby gives notice to the defendants charged in Counts Three through Thirty-nine 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.

136. 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.

(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