

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Criminal No. 11-
PETER A. LOMAURO : Title 29, United States Code,
Sections 186 and 501(c), and
Title 18, United States Code,
Section and 2

I N D I C T M E N T

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges as follows:

COUNTS ONE THROUGH FOUR
(Demanding and Receiving Unlawful Labor Payments)

Introduction

1. At all times relevant to this Indictment:

The Defendant and Other Parties

a. Local 9 of the United Association of Plumbers and Pipefitters (hereinafter "Local 9"), headquartered in Englishtown, New Jersey, was a "labor organization" as that term is defined in Title 29, United States Code, Sections 142(3), 152(5), 402(i) and 402(j). Local 9 represented, sought to represent, and would have admitted to membership plumbers and pipefitters, many of whom were employed in New Jersey. Local 9, through its officers and agents, entered into collective bargaining agreements (hereinafter "CBAs") and project labor agreements (hereinafter "PLAs") with employers that employed plumbers and pipefitters. These agreements contained provisions

pertaining to conditions of employment, such as rates of pay and fringe benefits, among other things.

b. Local 9 also sponsored several employee benefits plans, including a welfare fund, pension fund, and annuity fund, among others (hereinafter collectively the "Local 9 Benefit Funds"). Each fund was an employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974 ("ERISA").

c. Defendant PETER A. LOMAURO was employed by Local 9 as an organizer and later as a business agent, and his duties and responsibilities included acting on behalf of and in the name of Local 9 to represent its members employed at various work sites and construction projects by, among other ways, monitoring and ensuring that employers complied with their obligations under various CBAs and PLAs, including their obligation to remit contributions to the Local 9 Benefit Funds.

d. A plumbing company was headquartered in Passaic County, New Jersey (hereinafter "Company One"), and an individual was the principal of Company One (hereinafter "Individual One"). Company One was an employer within the meaning of the Labor Management Relations Act, 1947, Title 29, United States Code, Sections 142 and 152(2), and the employees of Company One were employed in an industry affecting commerce, namely, the plumbing industry. Company One employed workers who

were represented by and would be admitted to membership in Local 9.

e. A plumbing company was headquartered in Middlesex County, New Jersey (hereinafter "Company Two"), and an individual was the principal of Company Two (hereinafter "Individual Two"). Company Two was an employer within the meaning of the Labor Management Relations Act, 1947, Title 29, United States Code, Sections 142 and 152(2), and the employees of Company Two were employed in an industry affecting commerce, namely, the plumbing industry. Company Two employed workers who were represented by and would be admitted to membership in Local 9.

f. An individual with the initials A.C. and not named as a defendant herein was a business partner of defendant PETER A. LOMAURO in a rental property business located in New Jersey. A.C. was neither a plumber by trade nor a member of Local 9, and A.C. was neither a participant nor beneficiary of any of the Local 9 Benefit Funds. In addition, defendant PETER A. LOMAURO and A.C. were neither related by blood nor marriage. Defendant PETER A. LOMAURO and A.C. were joint signatories on a bank account located at a financial institution in New Jersey, which account was established in furtherance of their rental property business (hereinafter the "Joint Account").

The Scheme to Unlawfully Demand and Receive Money and
Things of Value from Plumbing Contractors

Company One

2. In or around 2006, Local 9 conducted an audit of Company One and determined that Company One owed approximately \$12,000 in unpaid fringe benefits to the Local 9 Benefits Funds. Thereafter, defendant PETER A. LOMAURO, at a work site in Middlesex County, New Jersey, requested approximately \$6,000 from Individual One, claiming that his uncle, A.C., was sick and Local 9 was raising money to help A.C. In truth and in fact, A.C. is not defendant PETER A. LOMAURO's uncle. In exchange for the \$6,000 payment, defendant PETER A. LOMAURO told Individual One that Company One's union trouble would go away.

3. On or about October 31, 2006, based on defendant PETER A. LOMAURO's request as described in Paragraph 2 of this Count, Company One issued a check, drawn on its account, in the amount of \$6,000 and payable to A.C. Thereafter, defendant PETER A. LOMAURO forged, and caused to be forged, A.C.'s endorsement on this check and deposited it, and caused it to be deposited, into the Joint Account.

Company Two

4. In or around February 2010, Company Two was working on a plumbing project in or around Middlesex County, New Jersey and, at this project, was a signatory to a PLA with Local 9 (hereinafter the "Project"). At the Project, defendant PETER

A. LOMAURO requested Company One to hire a retired Local 9 plumber to work at the Project (hereinafter the "Retired Plumber"). Defendant PETER A. LOMAURO directed Individual Two to not pay the fringe benefits to the Local 9 Benefits Funds on behalf of the Retired Plumber, as required by the PLA. Instead, defendant PETER A. LOMAURO instructed Individual Two to periodically remit payments to A.C. in lieu of contributions to the Local 9 Benefits Funds. Defendant PETER A. LOMAURO told Individual Two that A.C. was an injured Local 9 member who was unable to work and thus unable to maintain health benefits.

5. On or about the dates set forth below, based on defendant PETER A. LOMAURO's requests, Company Two issued checks, drawn on its account, to A.C. in the amounts listed below:

Approximate Date	Payor	Payee	Approximate Amount
February 18, 2010	Company Two	A.C.	\$2,000
April 20, 2010	Company Two	A.C.	\$2,000
July 28, 2011	Company Two	A.C.	\$2,000

6. After obtaining each check described in Paragraph 5 above of this Count, defendant PETER A. LOMAURO forged, and caused to be forged, A.C.'s endorsement on each check and deposited said checks, and caused them to be deposited, into the Joint Account.

7. After depositing the checks into the Joint Account as described in Paragraphs 3 and 5 above of this Count, defendant PETER A. LOMAURO used the funds for his use and benefit. For

example, after depositing the \$2,000 check dated on or about February 18, 2010 into the Joint Account, on or about February 19, 2010, defendant PETER A. LOMAURO issued a check, drawn on the Joint Account and in the amount of \$2,000, payable to himself. After depositing the \$2,000 check dated on or about April 20, 2010 into the Joint Account, on or about April 22, 2010, defendant PETER A. LOMAURO issued a check, drawn on the Joint Account and in the amount of \$2,000, payable to cash.

The Charges

8. On or about the dates set forth below, in Middlesex and Monmouth Counties, in the District of New Jersey and elsewhere, defendant

PETER A. LOMAURO

being an employee of Local 9 of the United Association of Plumbers and Pipefitters, a labor organization, and a representative of employees employed in an industry affecting commerce, unlawfully and willfully requested, demanded, received, and accepted, and agreed to receive and accept the payment, loan, and delivery of money and other things of value, namely, United States currency in an amount exceeding \$1,000, from employers, namely Company One and Company Two, and persons acting in the interest of employers, namely, Individual One and Individual Two, whose employees were employed in an industry affecting commerce and whom Local 9 would represent, would seek to represent, and would admit to membership, as described below:

Count	Approximate Date	Approximate Amount	Description
ONE	on or about October 31, 2006	\$6,000	A check issued by Company One and payable to A.C. at defendant PETER A. LOMAURO's direction and deposited into the Joint Account
TWO	on or about February 18, 2010	\$2,000	A check issued by Company Two and payable to A.C. at defendant PETER A. LOMAURO's direction and deposited into the Joint Account
THREE	on or about April 20, 2010	\$2,000	A check issued by Company Two and payable to A.C. at defendant PETER A. LOMAURO's direction and deposited into the Joint Account
FOUR	on or about July 28, 2011	\$2,000	A check issued by Company Two and payable to A.C. at defendant PETER A. LOMAURO's direction and deposited into the Joint Account

All in violation of Title 29, United States Code, Sections 186(a)(1), 186(a)(2), 186(b)(1) and 186(d)(2) and Title 18, United States Code, Section 2.

COUNTS FIVE THROUGH SEVEN
(Embezzlement from a Labor Organization)

1. The allegations set forth in Paragraphs 1 through 7 of Count One of this Indictment are hereby realleged as if set forth fully herein.

2. At all times relevant to this Indictment:

a. The Middlesex County Building and Construction Trades Council (hereinafter the "Council"), headquartered in Englishtown, New Jersey, was a "labor organization" as that term is defined in Title 29, United States Code, Sections 142(3), 152(5), 402(i) and 402(j). The Council was comprised of representatives from various labor unions in New Jersey, including unions representing plumbers and pipefitters and other construction trades, all of which were labor organizations engaged in industries affecting commerce.

b. The Council maintained a bank account at a financial institution in Middlesex County, New Jersey in the name of the Middlesex County Building and Construction Trades Benevolent Association, which account the Council used to fund various benevolent activities (hereinafter the "Benevolent Account"). The funds in the Benevolent Account belonged to the Council and its members as a group.

c. Defendant PETER A. LOMAURO was the Treasurer of the Council, and, as part of his duties and responsibilities as Treasurer, was authorized to issue checks drawn against the

Benevolent Account, provided such expenditures were approved by the Council and co-signed by the Council's President.

d. Under Title 29, United States Code, Section 501(a), as Treasurer and an officer of the Council, defendant PETER A. LOMAURO occupied a position of trust in relation to the Council and its members as a group, and he owed the Council and its membership certain fiduciary duties, including but not limited to the duty to hold the Council's money and property solely for the benefit of the Council and its membership.

The Embezzlement Scheme

3. Beginning on or about March 10, 2010, defendant PETER A. LOMAURO, contrary to his fiduciary duties and without authority from the Council, issued the following checks, drawn on the Benevolent Account, to A.C.:

Approximate Date	Payor	Payee	Approximate Amount
on or about March 10, 2010	Benevolent Account	A.C.	\$1,800
on or about September 28, 2010	Benevolent Account	A.C.	\$2,000
on or about February 11, 2011	Benevolent Account	A.C.	\$2,400

4. In furtherance of his scheme to embezzle money from the Council and its Benevolent Account, defendant PETER A. LOMAURO forged, and caused to be forged, the Council President's signature on each check described in Paragraph 3 above of this Count. Defendant PETER A. LOMAURO also forged, and caused to be

forged, A.C.'s endorsement on each check and deposited said checks, and caused them to be deposited, into the Joint Account.

The Charges

5. On or about the dates set forth below, in Middlesex and Monmouth Counties, in the District of New Jersey and elsewhere, defendant

PETER A. LOMAURO

while an officer of the Middlesex County Building and Construction Trades Council, a labor organization engaged in an industry affecting commerce, embezzled, stole, and unlawfully and willfully abstracted and converted to his use and the use of others, and caused to be embezzled, stolen, and unlawfully and willfully abstracted and converted to his use and the use of others, money, funds, securities, property, and other assets belonging to the Middlesex County Building and Construction Trades Council and its Benevolent Account, as described below:


Count	Approximate Date(s)	Description
FIVE	on or about March 10, 2010	A check in the amount of approximately \$1,800, drawn on the Benevolent Account, payable to A.C., and deposited into the Joint Account
SIX	on or about September 28, 2010	A check in the amount of approximately \$2,000, drawn on the Benevolent Account, payable to A.C., and deposited into the Joint Account

Count	Approximate Date(s)	Description
SEVEN	on or about February 11, 2011	A check in the amount of approximately \$2,400, drawn on the Benevolent Account, payable to A.C., and deposited into the Joint Account

All in violation of Title 29, United States Code,
Section 501(c) and Title 18, United States Code, Section 2.

A TRUE BILL,

FOREPERSON



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

PETER A. LOMAURO

INDICTMENT FOR

Title 29, United States Code, Sections 186 and 501(c)
Title 18, United States Code, Section 2

A True Bill,

Foreperson

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