

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Criminal No.: 12-
	:	
JAMES J. KEARNEY, Sr.	:	Title 29, United States Code, Section 186 and Title 18, United States Code, Section 2

I N F O R M A T I O N
(Receipt of an Unlawful Labor Payment)

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

Introduction

1. At all times relevant to this Information:
 - a. Local 45 of the International Association of Bridge, Structural, Ornamental, and Reinforcing Ironworkers (hereinafter "Local 45"), headquartered in Jersey City, New Jersey, was a labor organization, as that term is defined in Title 29, United States Code, Section 142(3), 152(5), 402(i), and 402(j). Local 45 represented, sought to represent, and would have admitted to membership iron workers.
 - b. Defendant JAMES J. KEARNEY, Sr. was the Business Manager and an employee of Local 45 and charged with the day to day operations of union.
 - c. An individual (hereinafter the "Individual") was a representative of a construction company (hereinafter the "Company") headquartered in New Jersey. The Company employed iron workers who worked at construction projects in New Jersey.

d. A "union book" was a Local 45 member's proof of membership in the union and was often used to verify an employee's union status at construction projects. The "union book" represented property belonging to Local 45. To obtain membership in Local 45, a prospective member was required to complete an application and, if accepted into the union, pay approximately \$728, representing initiation and dues fees.

The Receipt of the Unlawful Labor Payment

2. On or about August 22, 2011, the Individual met defendant JAMES J. KEARNEY, Sr. at a location in Jersey City, New Jersey. During this meeting, defendant JAMES J. KEARNEY, Sr. stated that he could obtain union books for the Company's employees in exchange for a \$5,000 payment per book payable directly to defendant JAMES J. KEARNEY, Sr. Defendant JAMES J. KEARNEY, Sr. advised that the union books would not be issued by Local 45.

3. On or about August 31, 2011, the Individual met defendant JAMES J. KEARNEY, Sr. at a location in Jersey City, New Jersey. During this meeting, the Individual paid defendant JAMES J. KEARNEY, Sr. approximately \$10,000 in cash for two "union books" for two purported employees of the Company.

4. In or about the fall of 2011, an iron worker's union in southern New Jersey issued two union books on behalf of the two purported employees of the Company.

The Charge

5. On or about August 31, 2011, in Hudson County, in the District of New Jersey and elsewhere, defendant

JAMES J. KEARNEY, Sr.,

being an officer and employee of Local 45 of the International Association Of Bridge, Structural, Ornamental and Reinforcing Ironworkers, a labor organization, unlawfully and willfully requested, demanded, received, and accepted, and agreed to receive and accept the payment of and delivery of a thing of value, namely, United States currency in an amount exceeding \$1,000, as described in Paragraphs 2 and 3 above of this Information, from an employer and a person acting in the interest of an employer, as described in Paragraph 1c of this Information, whose employees were employed in an industry affecting commerce and whom Local 45 would represent, seek to represent, and would admit to membership.

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



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

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UNITED STATES OF AMERICA

v.

JAMES J. KEARNEY, Sr.

INFORMATION FOR

Title 29, United States Code, Section 186
Title 18, United States Code, Section 2

PAUL J. FISHMAN

U. S. ATTORNEY NEWARK, NEW JERSEY

ANTHONY MOSCATO
ASSISTANT U. S. ATTORNEY
NEWARK, NEW JERSEY
973-645-2752
