

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

OCT - 4 2011

AT 8:30M
CHAMBERS OF THE
HON. MICHAEL A. SHIPP,
U.S.M.J.

UNITED STATES OF AMERICA : CRIMINAL COMPLAINT

v. :

PATRICK VIOLA : Magistrate Number: 11-6183 (MAS)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Special Agent, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Michael C. Mikulka
United States Department of
Labor, Office of Inspector
General, Office of Labor
Racketeering and Fraud
Investigations

Sworn to before me and subscribed in my presence,
October 4, 2011, at Newark, New Jersey

HONORABLE MICHAEL A. SHIPP
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

On or about January 25, 2010, in Bergen County, in the District of New Jersey and elsewhere, defendant Patrick Viola, being an officer and employee of Local 592 of the Laborers' International Union of North America, 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, from an employer and a person acting in the interest of an employer, as described in Attachment B of this Criminal Complaint, whose employees were employed in an industry affecting commerce and whom Local 592 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.

ATTACHMENT B

I, Michael C. Mikulka, am a Special Agent of the Department of Labor, Office of Inspector General, Office of Labor Racketeering and Fraud Investigations. I have knowledge of the facts set forth herein through my personal participation in this investigation and through oral and written reports from other federal agents or other law enforcement officers. Where statements of others are set forth herein, these statements are related in substance and in part. Since this Criminal Complaint is being submitted for a limited purpose, I have not set forth every fact that I know or other law enforcement officers know concerning this investigation. I have only set forth those facts that I believe are sufficient to show probable cause exists to believe that the defendant has committed the offense set forth in Attachment A. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

Background

1. At all times relevant to this Criminal Complaint:
 - a. Defendant Patrick Viola was the Business Manager and an employee of Local 592 of the Laborers' International Union of North America (hereinafter "LIUNA" and "Local 592"). Under Title 29, United States Code, Section 501(a), defendant Patrick Viola occupied a position of trust in relation to the union and its members as a group.
 - b. Local 592, headquartered in Edgewater, 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 (j). It represented, sought to represent, and would admit to membership laborers, who performed various tasks on construction projects, such as manual labor demolition work. Local 592 represented approximately 750 members, many of whom were employed at various construction projects in New Jersey. The members of Local 592 participated in several employee benefits plans, including a Welfare Fund, which plans were administered by the New Jersey Building Laborers' Statewide Funds. These plans were subject to the Employee Retirement Income Security Act of 1974, Title 29, United States Code, Section 1001, et seq.
 - c. An individual, who was cooperating in this investigation (hereinafter the "Cooperating Witness"), was a representative of a construction company headquartered in New Jersey (hereinafter the "Company"). The Company, at various times, had collective bargaining agreements (hereinafter "CBA") with LIUNA. A CBA is a written contract between a labor union

and an employer, or group of employers, for a specified period that sets forth conditions of employment, such as rates of pay and fringe benefits, among others, and procedures for dispute resolution. Furthermore, the Company, at various construction projects in New Jersey, would hire workers represented by, or whom would be admitted into members of, LIUNA. In addition, the Company worked at construction projects in the geographic jurisdiction of Local 592.

The Bribe Payment to defendant Patrick Viola

2. On or about January 25, 2010, the Cooperating Witness met defendant Patrick Viola in Bergen County, New Jersey. During this consensually recorded meeting (audio and video) with defendant Patrick Viola, the Cooperating Witness stated that the Company was about to start a construction project in Bergen County, New Jersey. Thereafter, defendant Patrick Viola stated the following, in substance and in part: "Yeah, well you do what you gotta do as far as I'm concerned. You going in there [the construction project], do it non-union, you do it non-union, that's the end of it." The Cooperating Witness implied that he would pay defendant Patrick Viola the balance of a previous bribe and then stated, "I'll do that one [payment of the bribe to allow the Company to use non-union labor at the upcoming construction project] in advance because I really can't afford to have any kinds of problems."

3. During the meeting, the Cooperating Witness paid defendant Patrick Viola approximately \$4,000 in cash to permit the Company to use non-union labor at the upcoming construction project in Bergen County, New Jersey. Your Affiant has listened to and observed the consensually recorded audio and video footage of this meeting, and Your Affiant has observed, on the video recording, the cash transfer from the Cooperating Witness to defendant Patrick Viola. After the Cooperating Witness paid this cash bribe to defendant Patrick Viola, defendant Patrick Viola stated that he would not interfere with the Company's use of non-union labor at the upcoming construction project in Bergen County, New Jersey.

4. In addition, during this consensually recorded (audio and video) meeting between defendant Patrick Viola and the Cooperating Witness, defendant Patrick Viola stated that he made a deal with another contractor, and this contractor failed to pay the entire amount of the bribe.