

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 14-
 :
 v. : 18 U.S.C. § 1951(a)
 :
 PHILLIP PROCACCINO :
 : I N F O R M A T I O N
 :

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

1. At all times relevant to this Information:

a. Defendant PHILLIP PROCACCINO ("defendant PROCACCINO") was employed by the City of Jersey City, New Jersey. Until in or about February 2013, defendant PROCACCINO worked for the Jersey City Department of Housing Economic Development & Commerce's Zoning Division as a zoning inspector. Subsequently, defendant PROCACCINO started working as a Jersey City fire inspector.

b. The Department of Housing, Economic Development & Commerce's Zoning Division was responsible for reviewing Certificate of Occupancy applications. Every business in Jersey City is required to have a Certificate of Occupancy ("C/O"), which certifies that the structure housing the business is compliant with all building and safety codes.

c. Defendant PROCACCINO held himself out as a Jersey City official who, as a Jersey City employee, could expedite the

process for obtaining a C/O for a business. Defendant PROCACCINO also held himself out as someone who, through his official position, could notify a prostitution business in advance that Jersey City authorities were coming to inspect the business, so that the owner and employees of the business could hide evidence of prostitution before the authorities arrived.

d. There was a massage parlor located in Jersey City (hereinafter, the "Massage Parlor"), which also operated as a prostitution business and which needed to obtain a C/O. The Massage Parlor's business affected interstate commerce.

e. There was a cooperating witness (hereinafter "CW") who was affiliated with the Massage Parlor. CW also represented that CW, along with a partner (hereinafter, "CW's Partner"), were looking to open up an additional prostitution business in Jersey City.

2. In or about October 2013, in the District of New Jersey and elsewhere, defendant

PHILLIP PROCACCINO

did knowingly and willfully attempt to obstruct, delay and affect interstate commerce by extortion under color of official right by obtaining and seeking to obtain corrupt cash payments and other benefits from individuals in exchange for the official assistance, action and influence of PHILLIP PROCACCINO in Jersey City government matters.

3. It was a part of this extortionate activity that:

a. On or about October 17, 2013, defendant PROCACCINO agreed to accept \$2,500 from CW in exchange for his official assistance in obtaining a C/O for the Massage Parlor. On that same date, defendant PROCACCINO told CW that he had previously agreed with the owner of another prostitution business that, in exchange for certain benefits from that business, defendant PROCACCINO would ensure that the business would not be shut down by Jersey City authorities. After telling CW about this arrangement, defendant PROCACCINO and CW discussed the possibility of defendant PROCACCINO accepting a percentage of CW's and CW's Partner's earnings from their additional prostitution business in exchange for providing CW advance notice of any impending inspections by Jersey City authorities in relation to that business. Defendant PROCACCINO also agreed to help CW find a suitable place in Jersey City to open a prostitution business.

b. On or about October 23, 2013, in Jersey City, defendant PROCACCINO accepted \$2,500 from CW in exchange for his contemplated official assistance in obtaining a C/O for the Massage Parlor. Further, defendant PROCACCINO agreed to receive 10% of CW's additional prostitution business's future profits in exchange for: (a) his contemplated official assistance in obtaining a C/O for that particular business, and

(b) providing one day's advance notice of any police activity involving the business. Defendant PROCACCINO also expressed interest in meeting CW's Partner.

c. On or about October 29, 2013, defendant PROCACCINO received an email from CW's Partner setting up a meeting with defendant PROCACCINO for the following day. Further, in the email, CW's Partner provided three Jersey City addresses to defendant PROCACCINO and asked him for his thoughts on opening a prostitution business at those locations.

d. On or about October 30, 2013, defendant PROCACCINO met with CW's Partner in Jersey City. During this meeting, defendant PROCACCINO told CW's Partner that one of the three addresses that CW's Partner emailed him would be the best location to open a prostitution business, because it was a location that defendant PROCACCINO was often near and could therefore check out. Defendant PROCACCINO also told CW's Partner that, as a Jersey City employee, he could: (a) help CW's and CW's Partner's prostitution business have appropriate paperwork so it could appear to be operating legally, and (b) notify CW's Partner of any impending law enforcement activity involving the prostitution business. Defendant PROCACCINO indicated to CW's Partner that he would accept money and other benefits from CW and CW's Partner for his future official

assistance at the additional prostitution business.

In violation of Title 18, United States Code, Section 1951(a).

Paul J. Fishman/rah
PAUL J. FISHMAN
United States Attorney

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v.

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INFORMATION FOR

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