

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

LESLIE CUCINO; ROBERT CUCINO,  
JR.; CDE CORPORATION; and  
WINSOR HILL HAULING AND  
RECYCLING, CORP.,

Defendants.

Criminal Case No. \_\_\_\_\_

In violation of 18 U.S.C §§ 371, 1001(a)(3), and  
2.

**CR 18**

**48**

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- 01**

INDICTMENT

FILED

APR 11 2018

U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

The Grand Jury charges that:

INTRODUCTION

At all times relevant to this Indictment:

1. The United States Department of Transportation (“USDOT”) is a department and agency of the United States.

2. The USDOT, Office of Inspector General, is an agency of USDOT charged with, among other duties, investigating federal criminal offenses as they relate to USDOT.

3. The Federal Motor Carrier Safety Administration (“FMCSA”) is a division of the USDOT charged with, among other things, prescribing and enforcing safety regulations involving the use of commercial motor vehicles in interstate commerce to transport passengers or property. FMCSA is responsible for, among other things, the regulation of both commercial motor vehicle carriers and their drivers.

DEFENDANTS

4. CDE CORPORATION (“CDE”) was a corporation organized on or about March 9, 2009, under the laws of the State of Rhode Island. Its principal business was the transportation of refuse and scrap metal in interstate commerce. CDE held USDOT Number

1862382, and was authorized to conduct commercial motor vehicle (“CMV”) operations in interstate commerce. CDE’s operations were subject to FMCSA’s regulatory authority and oversight.

5. WINSOR HILL HAULING & RECYCLING CORP. (“WINSOR HILL”) is a corporation organized on or about January 13, 2015, under the laws of the State of Rhode Island. Its principal business is the transportation of refuse and scrap metal in interstate commerce. WINSOR HILL holds USDOT Number 2565904, and is authorized to conduct commercial motor vehicle operations in interstate commerce. WINSOR HILL’s operations are subject to FMCSA’s regulatory authority and oversight.

6. LESLIE CUCINO was the Incorporator of CDE, and an officer of CDE from in or about March 9, 2009, through in or about December 1, 2015. On or about January 13, 2015, LESLIE CUCINO incorporated a successor corporation to CDE named WINSOR HILL. LESLIE CUCINO is an officer of WINSOR HILL.

7. ROBERT CUCINO JR. is and was, at all times relevant to this indictment, the manager of the day-to-day operations of CDE and WINSOR HILL.

8. LESLIE CUCINO and ROBERT CUCINO, JR. maintained a fleet of CMVs under the names CDE and WINSOR HILL.

#### THE REGULATION OF MOTOR CARRIERS

9. FMCSA administers and enforces the Motor Carrier Safety Act of 1984, including the regulations under that Act. That Act and its regulations are written to ensure, among other things, that motor carriers and their drivers fully comply with the responsibilities imposed on them to operate their vehicles in a safe manner.

10. Under the authority of various statutes, including but not limited to, Title 49, United States Code, Sections 31136, 31142, and 31502, the Secretary of the USDOT has promulgated numerous regulations relating to record keeping, safe operation of motor carriers and qualification of drivers. These regulations include both mandatory record-keeping requirements and mandatory operational requirements. Among those regulations are requirements that motor carriers keep records relating to equipment safety, drivers' qualifications, drivers' on-the-road activities, as well as licensing, record keeping and maintenance standards. FMCSA has authority to review these records, which are required to be kept by motor vehicle carriers, in order to determine whether drivers employed by the motor vehicle carrier are qualified to operate safely, and are in fact operating safely. FMCSA conducts on-site inspections of motor vehicle carriers both with and without notice.

#### DRIVER VEHICLE INSPECTION REPORTS

11. FMCSA's regulation of commercial motor vehicle drivers requires all motor carriers to systematically inspect, repair, and maintain all commercial motor vehicles subject to a carrier's control, in order to protect the public from commercial motor vehicle-related accidents caused by unsafe commercial motor vehicles operating on the nation's highways.

12. Title 49, Code of Federal Regulations, Section 396.3, motor carriers are required systematically to inspect, repair and maintain all commercial motor vehicles subject to their control, such that the motor vehicle's parts and accessories are in safe and proper operating condition at all times. Under Title 49, Code of Federal Regulations, Section 396.3(a)(1), these parts and accessories include, but are not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems.

13. Under Title 49, Code of Federal Regulations, Section 396.3(b), motor carriers are required to maintain a record of such inspection, repairs and maintenance, including the date and nature of the activity.

14. Under Title 49, Code of Federal Regulations, Section 396.3(c), motor carriers are required to retain such records where the commercial motor vehicle is housed or maintained for a period of one (1) year and for six (6) months after the motor vehicle leaves the motor carrier's control.

15. Under Title 49, Code of Federal Regulations, Section 396.11(a), motor carriers must require their drivers to prepare a daily Driver Vehicle Inspection Report ("DVIR") on each commercial motor vehicle operated. The DVIR must be in writing and prepared at the completion of each day's work, must include at least the following parts and accessories: service brakes, parking (hand) brake, steering mechanism, lighting devices and reflectors, tires, horn, windshield wipers, rear vision mirrors, coupling devices, wheels and rims, and emergency equipment.

16. Under Title 49, Code of Federal Regulations, Section 396.11(a)(2)(i), the DVIR must identify the commercial motor vehicle and list any defect or deficiency discovered by or reported to the driver which would affect the safety of the operation of the vehicle or result in its mechanical breakdown.

17. Under Title 49, Code of Federal Regulations, Section 396.11(a)(2)(ii) requires drivers to sign the reports. Their signature certifies that all entries are true and correct.

18. Under Title 49, Code of Federal Regulations, Section 396.11(a)(4), every motor carrier shall collect and retain the DVIR for a period of at least three months from the date the reports are prepared.

19. The DVIRs are the primary means by which FMCSA Inspectors and state law enforcement authorities enforce federal motor carrier safety regulations relating to the safety of the commercial motor vehicles operated by businesses including CDE and WINSOR HILL. The DVIRs indicate the existence of any defects or deficiencies and whether the carrier repaired them.

**COUNT I**  
**(Conspiracy to Make False Statements to a Government Agency 18 U.S.C. §§ 371 and 1001(a)(3))**

20. Paragraphs 1 through 19 are hereby incorporated by reference.

**THE CONSPIRACY**

21. From in or about March 9, 2009, through the present, in the District of Rhode Island and elsewhere, defendants LESLIE CUCINO, ROBERT CUCINO, JR. CDE CORPORATION, and WINSOR HILL HAULING AND RECYCLING, CORP., did knowingly agree, combine, and conspire with each other and others known and unknown to the Grand Jury, in a matter within the jurisdiction of the executive branch of the United States government, namely FMCSA and USDOT, agencies and departments of the United States of America, to knowingly and willfully falsify, conceal, and cover up by trick, scheme and device, certain material facts, that is the preparation, maintenance and retention for inspection by FMCSA, of various entries contained in Daily Vehicle Inspection Reports of commercial motor vehicle drivers employed by LESLIE CUCINO, ROBERT CUCINO JR., CDE CORPORATION, and WINSOR HILL HAULING AND RECYCLING, CORP., which the defendants knew to be false and fictitious, in violation of Title 18, United States Code, Section 1001.

MANNER AND MEANS OF THE CONSPIRACY

22. It was part of the conspiracy that defendants LESLIE CUCINO, ROBERT CUCINO, JR., CDE, AND WINSOR HILL, along with its employees and commercial motor vehicle drivers, knowing and willfully falsified, and aided and abetted in the falsification of, Daily Vehicle Inspection Reports, by causing, directing, and encouraging employee drivers, under the threat of termination, to falsely certify that the commercial motor vehicles they were operating had “No Defects” on their DVIR when in fact the driver knew that the vehicles had serious safety defects that were required to be reported.

23. It was also part of the conspiracy that LESLIE CUCINO and ROBERT CUCINO, JR. directed the drivers of CDE and WINSOR HILL to document the actual vehicle defects on a separate piece of paper. This would allow the defendants to have DVIRs to show FMCSA investigators that falsely indicated that the vehicles had no defects.

24. The actions of LESLIE CUCINO, ROBERT CUCINO, JR., CDE, AND WINSOR HILL, resulted in its drivers operating vehicles that were safety hazards and not repaired in a timely fashion.

25. It was a further part of the conspiracy that LESLIE CUCINO and ROBERT CUCINO, JR., CDE, and WINSOR HILL would and did obtain false and fraudulent DVIRs from CDE drivers and maintained them in CDE records for, among other things, FMCSA inspection.

OVERT ACTS

26. In furtherance of the conspiracy and to achieve the objects thereof, the defendants and their co-conspirators, known and unknown to the Grand Jury, committed and

caused to be committed the following overt acts, among others, in the District of Rhode Island and elsewhere:

27. On or about July 20, 2013, LESLIE CUCINO and ROBERT CUCINO, JR. caused and directed CDE driver M.P. to falsely document on his DVIR that his tractor/trailer combination had no defects on that day.

28. On or about July 20, 2013, LESLIE CUCINO and ROBERT CUCINO, JR. caused and directed CDE driver S.I. to falsely document on his DVIR that his tractor/trailer combination had no defects on that day.

29. On or about July 22, 2013, LESLIE CUCINO and ROBERT CUCINO, JR. caused and directed CDE driver M.P. to falsely document on his DVIR that his tractor/trailer combination had no defects on that day.

30. On or about October 8, 2013, LESLIE CUCINO and ROBERT CUCINO, JR. caused and directed CDE driver A.C. to falsely document on his DVIR that his tractor/trailer combination had no defects on that day.

31. On or about September 26, 2014, LESLIE CUCINO and ROBERT CUCINO, JR. caused and directed CDE driver E.R. to falsely document on his DVIR that his tractor/trailer combination had no defects on that day.

32. On or about October 29, 2014, LESLIE CUCINO and ROBERT CUCINO, JR. caused and directed CDE driver E.A. to falsely document on his DVIR that his tractor/trailer combination had no defects on that day.

All in violation of Title 18, United States Code, Section 371.

**COUNT II**  
**(False Statements- 18 U.S.C. § 1001 and 18 U.S.C. § 2)**

33. Paragraphs 1 through 19 are incorporated by reference.

34. On or about July 20, 2013, the defendants, LESLIE CUCINO, ROBERT CUCINO, JR., CDE, and WINSOR HILL, and others known and unknown to the Grand Jury, aiding and abetting each other, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the Executive Branch of the Government of the United States, that is the U.S. Department of Transportation, by certifying that a certain Mack Tractor, bearing Rhode Island registration number 030581, and its trailer, Maine registration number 153299B, had “No Defects” on the Driver Vehicle Inspection Report required to be certified and maintained by the defendants, while knowing and believing that the Tractor/Trailer combination had been cited on the same day by the Massachusetts State Police Commercial Enforcement Section for having major mechanical safety defects,

All in violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

**COUNT III**  
**(False Statements- 18 U.S.C. § 1001 and 18 U.S.C. § 2)**

35. Paragraphs 1 through 19 are incorporated by reference.

36. On or about July 20, 2013, the defendants, LESLIE CUCINO, ROBERT CUCINO, JR., CDE, and WINSOR HILL, and others known and unknown to the Grand Jury, aiding and abetting each other, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the Executive Branch of the Government of the United States, that is the U.S. Department of Transportation, by certifying that a certain WSTR



Tractor, bearing Rhode Island registration number 30579, and its trailer, Maine registration number 153298B, had “No Defects” on the Driver Vehicle Inspection Report required to be certified and maintained by the defendants, while knowing and believing that the Tractor/Trailer combination had been cited on the same day by the Massachusetts State Police Commercial Enforcement Section for having major mechanical safety defects,

All in violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

**COUNT IV**  
**(False Statements- 18 U.S.C. § 1001 and 18 U.S.C. § 2)**

37. Paragraphs 1 through 19 are incorporated by reference.

38. On or about July 22, 2013, the defendants, LESLIE CUCINO, ROBERT CUCINO, JR., CDE, and WINSOR HILL, and others known and unknown to the Grand Jury, aiding and abetting each other, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the Executive Branch of the Government of the United States, that is the U.S. Department of Transportation, by certifying that that certain Mack Tractor, bearing Rhode Island registration number 027265, and its trailer, Maine registration number 153297B, had “No Defects” on the Driver Vehicle Inspection Report required to be certified and maintained by the defendants, while knowing and believing that the Tractor/Trailer combination had been cited on the same day by the Massachusetts State Police Commercial Enforcement Section for having major mechanical safety defects,

All in violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

**COUNT V**  
**(False Statements- 18 U.S.C. § 1001 and 18 U.S.C. § 2)**

39. Paragraphs 1 through 19 are incorporated by reference.

40. On or about October 8, 2013, the defendants, LESLIE CUCINO, ROBERT CUCINO, JR., CDE, and WINSOR HILL, and others known and unknown to the Grand Jury, aiding and abetting each other, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the Executive Branch of the Government of the United States, that is the U.S. Department of Transportation, by certifying that that certain Mack Tractor, bearing Rhode Island registration number 27623, and its trailer, Maine registration number 153296B, had “No Defects” on the Driver Vehicle Inspection Report required to be certified and maintained by the defendants, while knowing and believing that the Tractor/Trailer combination had been cited on the same day by the Rhode Island State Police Commercial Enforcement Unit for having major mechanical safety defects,

All in violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

**COUNT VI**  
**(False Statements- 18 U.S.C. § 1001 and 18 U.S.C. § 2)**

41. Paragraphs 1 through 19 are incorporated by reference.

42. On or about September 26, 2014, the defendants, LESLIE CUCINO, ROBERT CUCINO, JR., CDE, and WINSOR HILL, and others known and unknown to the Grand Jury, aiding and abetting each other, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the Executive Branch of the Government of the United States, that is the U.S. Department of Transportation, by certifying that that certain Mack

Tractor, Rhode Island registration number 030578, and its trailer, Maine registration number 158968A, had no reportable difficulties on the Driver Vehicle Inspection Report required to be certified and maintained by the defendants, while knowing and believing that the Tractor/Trailer combination had been cited on the same day by the Massachusetts State Police Commercial Enforcement Section for having major mechanical safety defects,

All in violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

**COUNT VII**  
**(False Statements- 18 U.S.C. § 1001 and 18 U.S.C. § 2)**

43. Paragraphs 1 through 19 are incorporated by reference.


44. On or about October 29, 2014, the defendants, LESLIE CUCINO, ROBERT CUCINO, JR., CDE, and WINSOR HILL, and others known and unknown to the Grand Jury, aiding and abetting each other, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the Executive Branch of the Government of the United States, that is the U.S. Department of Transportation, by certifying that that certain Mack Tractor, Rhode Island registration number 30573, and its trailer, Maine registration number 151375A, had "No Defects" on the Driver Vehicle Inspection Report required to be certified and maintained by the defendants, while knowing and believing that the Tractor/Trailer combination had been cited on the same day by the Rhode Island State Police Commercial Enforcement Unit for having major mechanical safety defects,


All in violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

A TRUE BILL

**REDACTED**

STEPHEN G. DAMBRUCH  
United States Attorney

  
RICHARD W. ROSE  
Assistant U.S. Attorney

  
SANDRA R. HEBERT  
Assistant U.S. Attorney  
Deputy Criminal Division Chief

Dated: April 11, 2018