

DRA:BMR:JL
F. #2002R00891

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

JOHN J. DEROSS,
also known as "Jackie,"

Defendant.

S U P E R S E D I N G
I N F O R M A T I O N

Cr. No. 03-191 (S-4) (SJ)
(T. 18, U.S.C., §§ 1962(c),
1963 and 3551 et seq.)

- - - - -X

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

At all times relevant to this superseding information,
unless otherwise indicated:

The Colombo Family Enterprise

1. The members and associates of the Colombo organized crime family of La Cosa Nostra (the "Colombo family") constituted an "enterprise," as that term is defined in Title 18, United States Code, Sections 1959(b)(2) and 1961(4), that is, a group of individuals associated in fact. The Colombo family engaged in, and its activities affected, interstate and foreign commerce. The Colombo family was an organized criminal group that operated in the Eastern District of New York and elsewhere.

2. The Colombo family operated through groups of individuals headed by "captains," who were also referred to as "skippers," "caporegimes" and "capodecinas." These groups, which

were referred to as "crews," "regimes" and "decinas," consisted of "made" members of the Colombo family, who were referred to as "soldiers," "friends of ours," "good fellows" and "buttons," and associates of the Colombo family.

3. Each captain was responsible for supervising the criminal activities of his crew and providing crew members and associates with support and protection. In return, the captain received a share of the earnings of each of the crew's members and associates.

4. Above the captains were the three highest-ranking members of the Colombo family. The head of the Colombo family was known as the "boss." He was assisted by an "underboss" and a counselor, who was known as the "consigliere." When a member of the administration was unable to fulfill his criminal responsibilities because of incarceration, ill health or other reason, a member of the Colombo family was often appointed to that position in an acting capacity.

5. The boss, underboss and consigliere of the Colombo family, who were sometimes referred to collectively as the "administration," supervised, supported, protected and disciplined the captains, soldiers and associates and regularly received reports regarding the activities of the members and associates of the Colombo family. In return for their

supervision and protection, the boss, underboss and consigliere received part of the illegal earnings of each crew.

6. The Colombo family was part of a nationwide criminal organization known by various names, including the "mafia" and "La Cosa Nostra," which operated through entities known as "families." The ruling body of this nationwide organization was known as the "commission," the members of which have at various times included the bosses of the five New York City-based families, to wit: the Bonanno, Colombo, Gambino, Genovese and Luchese organized crime families of La Cosa Nostra ("LCN").

7. From time to time, the Colombo family would propose a list of associates to be "made," that is, to become members of the Colombo family. The list would be circulated to the other families based in New York City. Upon becoming "made," each member would take an oath of "omerta," vowing never to reveal any information about the Colombo family, its members or associates.

The Purposes, Methods and Means of the Colombo Family Enterprise

8. The principal purpose of the enterprise was to generate money for its members and associates. This purpose was implemented by members and associates of the enterprise through various criminal activities affecting interstate and foreign commerce, including extortion, fraud, unlawful labor payments and

illegal gambling. The members of the enterprise furthered its criminal activities by, among other methods and means, threatening physical violence and economic injury.

9. Members and associates of the Colombo family engaged in conduct designed to prevent government detection of their identities, their illegal activities, and the location of the proceeds of those activities.

10. Members and associates of the enterprise often coordinated criminal activity, such as extortion, with members and associates of other organized crime families, including the Bonanno, Gambino, Genovese and Luchese organized crime families of LCN.

The International Union of Operating Engineers

11. The International Union of Operating Engineers (the "Union"), with headquarters in Washington, D.C., had approximately 400,000 members in 170 local unions throughout the United States and Canada. The Union, which was affiliated with the AFL-CIO, represented, among others, operating engineers who worked as heavy equipment operators, mechanics and surveyors in the construction industry.

12. Local Union 14-14B of the Union ("Local 14") and Locals 15, 15A, 15B, 15C, 15D of the Union ("Local 15") were constituent locals of the Union. Local 14 and Local 15 represented operating engineers in Manhattan, Bronx, Brooklyn,

Queens and Staten Island, New York, who performed work at various construction sites in the New York City area ("Job Sites").

13. Locals 14 and 15 each had benefit trust funds for its members. The Local 14 funds included the Operating Engineers Local 14 and 14B Annuity Fund, the Operating Engineers Local 14 and 14B Pension Fund and the Operating Engineers Local 14 and 14B Welfare Fund (the "Local 14 Plans"). The Local 15 funds included the Annuity Fund of the International Union of Operating Engineers, Local Unions 15, 15A, 15B, 15C, 15D, AFL-CIO; the Pension Fund of the International Union of Operating Engineers, Local Unions 15, 15A, 15B, 15C, 15D, AFL-CIO; the Welfare Fund of the International Union of Operating Engineers, Local Unions 15, 15A, 15B, 15C, 15D, AFL-CIO; and the Vacation Fund of the International Union of Operating Engineers, Local Unions 15, 15A, 15B, 15C, 15D, AFL-CIO (the "Local 15 Plans").

The Defendant

14. At various times relevant to this superseding information, the defendant JOHN J. DEROSS, also known as "Jackie," was a soldier, a captain or the underboss of the Colombo family.

COUNT ONE (Racketeering)

15. The allegations in paragraphs 1 through 14 are realleged and incorporated as if fully set forth in this paragraph.

16. In or about and between November 1998 and November 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JOHN J. DEROSS, also known as "Jackie," together with others, being a person employed by and associated with the Colombo family, an enterprise that engaged in, and the activities of which affected, interstate commerce, knowingly and intentionally conducted and participated, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of the racketeering acts set forth below.

RACKETEERING ACT ONE

(Mail Fraud: Coney Island Mets Stadium Job Site)

17. On or about and between August 1, 2000 and March 9, 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant JOHN J. DEROSS, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

18. It was part of the scheme and artifice that the defendant JOHN J. DEROSS, together with others, would and did

submit and cause to be submitted false information regarding hours worked to a contractor, to wit: Turner Construction Co., in connection with the Coney Island Mets Stadium Job Site, claiming that certain hours had been worked by a coconspirator who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans in his name.

19. For the purpose of executing the scheme and artifice, the defendant JOHN J. DEROSS, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service items of mail matter, to wit: receipts for a coconspirator from the Local 14 Fund Office, mailed on or about March 9, 2001, in violation of Title 18, United States Code, Sections 1341 and 2.

RACKETEERING ACT TWO

(Mail Fraud: Kingsboro Community College Job Site)

20. In or about and between November 2000 and March 2001, both dates being approximate and inclusive, within the Eastern District of New York, the defendant JOHN J. DEROSS, together with others, knowingly and intentionally devised a scheme and artifice to defraud contractors, real estate holders and developers, and to obtain money and property, to wit: money paid as wages and contributions to benefit plans, from them by means of materially false and fraudulent pretenses, representations and promises.

21. It was part of the scheme and artifice that the defendant JOHN J. DEROSS, together with others, would and did submit and cause to be submitted false information regarding hours worked to a contractor, to wit: J.A. Jones GMO LLC, in connection with the Kingsboro Community College Job Site, claiming that certain hours had been worked by a coconspirator who had, in fact, not worked those hours, in order fraudulently to obtain wages and contributions to the Local 14 Plans in his name.

22. For the purpose of executing the scheme and artifice, the defendant JOHN J. DEROSS, together with others, did place and caused to be placed in authorized depositories for mail matter to be delivered by the United States Postal Service an item of mail matter, to wit: a receipt for a coconspirator from the Local 14 Fund Office, mailed on or about March 22, 2001, in violation of Title 18, United States Code, Sections 1341 and 2.

(Title 18, United States Code, Sections 1962(c), 1963 and 3551 et seq.)

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK