

# United States District Court

## District of Massachusetts

UNITED STATES OF AMERICA

v.

Arthur A. Coia

### JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 1:00CR10024-001

Howard W. Gutman, Esq.

Defendant's Attorney

#### THE DEFENDANT:

- pleaded guilty to count(s) 1.
- pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. § 1341	Mail Fraud	09/30/1997	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 037-26-3032

Defendant's Date of Birth: 03/21/1943

Defendant's USM No.: 22981-038

Defendant's Residence Address:

20 Payne Road

Barrington RI 02806

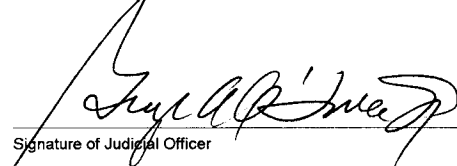
Defendant's Mailing Address:

20 Payne Road

Barrington RI 02806

01/31/2000

Date of Imposition of Judgment



Signature of Judicial Officer

**George A. O'Toole, Jr.**

**United States District Judge**

Name & Title of Judicial Officer

February 1, 2000

Date

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## PROBATION

The defendant is hereby placed on probation for a term of 2 year(s).

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below) . The defendant shall also comply with the additional conditions on the attached page (if indicated below).

See Special Conditions of Supervision - Page 3 and 4

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**SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall not commit another Federal, State, or local crime.

The defendant shall not unlawfully possess a controlled substance.

The defendant shall make restitution to the Rhode Island Division of Taxation in the amount of \$19,250.00 and the Town of Barrington in the amount of \$80,396.79.

The defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.

The defendant shall report to a Probation Officer as directed by the court or the probation officer.

The defendant shall permit a probation officer to visit him at his home or elsewhere as specified by the court.

The defendant shall answer inquiries by a probation officer and notify the probation officer promptly of any change in address or employment.

The defendant shall notify the probation officer promptly if arrested or questioned by a law enforcement officer.

In addition the defendant shall comply with the agreement and undertakings set forth in paragraph 5 of the plea agreement between the defendant and United States Attorneys Office dated January 26, 2000, which reads as follows:

"Agreement Concerning Future Union Activities

- a) On January 1, 2000, the Defendant retired as General President from the Laborer's International Union of North America ("LIUNA") and became the General President Emeritus, an honorary position that involves no service as a consultant or adviser (as those terms are used and defined for purposes of 29 U.S.C. § 504) to LIUNA or any of its affiliated or subordinate entities, and which involves no decision making authority concerning or over, or control over LIUNA or any of its affiliated or subordinate entities. For purposes of this Agreement, the term "affiliated or subordinate entities" includes any labor organization, employee benefit plan, labor-management cooperation committee, or trust established or maintained by LIUNA or any of its subordinate labor organizations.
- b) The U.S. Attorney and the Defendant hereby agree that, as a result of his guilty plea, and as a condition of his probation (in accord with paragraph 11(C), below), the Defendant will remain retired from LIUNA as General President Emeritus pursuant to the terms of compensation on the date of his retirement and will be barred, whether within or outside LIUNA, from any service as a consultant or adviser (as those terms are used and defined for purposes of 29 U.S.C. § 504) to LIUNA or any of its affiliated or subordinate entities, or in any capacity from any decisionmaking authority concerning or over, or control over LIUNA or any of its affiliated or subordinate entities. In addition, the U.S. Attorney and the Defendant hereby agree that, as a result of his guilty plea and as a condition of his probation (in accord with paragraph 11(C), below), the Defendant will not accept any compensation increases from LIUNA above the level of the current constitutionally-mandated salary of the General President.

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- c) The U.S. Attorney and the Defendant hereby agree that the Defendant, as a result of his guilty plea and as a condition of his probation (in accord with paragraph 11(C), below) shall be disqualified by operation of law from serving in any of the capacities described in 29 U.S.C. § 1111 for the period specified in that statute, unless the sentencing court sets a lesser period pursuant to U.S.C. § 1111(a). The U.S. Attorney and the Defendant agree that pursuant to the definition of "consultant" set forth in 29 U.S.C. § 1111(c)(2), the Defendant is not precluded from working for an entity that provides goods or services (including, but not limited to, consultation, advice, or other assistance) to an employee benefit plan so long as he is not personally involved in the provision of such consultation, advice, or other assistance. The U.S. Attorney and the Defendant further agree that to the extent it is necessary, the U.S. Attorney will join in a motion pursuant to 29 U.S.C. § 1111(a)(B) to give effect to this understanding.
- d) The United States Attorney and the Defendant hereby agree that, consistent with subparagraphs 5(a) and 5(b), above, the Defendant, as a result of his guilty plea and as a condition of his probation (in accord with paragraph 11(C), below), shall be disqualified from serving: (a) as a consultant or adviser, as those terms are used in 29 U.S.C. § 504(a)(1), to LIUNA or any of its affiliated or subordinate entities; (b) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative, as those terms are used in 29 U.S.C. § 504(a)(2), of LIUNA or any of its affiliated or subordinate entities; and (c) in any capacity that involves decisionmaking authority concerning, or decision making authority over, or custody of, or control of the moneys, funds, assets, or property of LIUNA or any of its affiliate or subordinate entities, as those terms are used in 29 U.S.C. § 504(a)(5).
- e) The United States Attorney and the Defendant hereby agree that, consistent with subparagraphs 5(a) and 5(b), above, the Defendant will also be barred personally from serving for a period of five years as an employee of any other labor organization, including as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, or organizer, as those terms are used in 29 U.S.C. § 504(a)(2).
- f) Nothing in this agreement shall be construed to preclude the Defendant from serving: (a) as a consultant or adviser, as those terms are used in 29 U.S.C. § 504(a)(1), to labor organizations other than LIUNA or any of LIUNA's affiliated or subordinate entities; (b) as a labor relations consultant or adviser to a person engaged in industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the areas of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce, as those terms are used in 29 U.S.C. § 504(a)(3), except that in such capacities, the Defendant shall not personally serve as a consultant, adviser, or labor relations consultant (as those terms are used and defined for purposes of 29 U.S.C. § 504) to LIUNA or any of its affiliated or subordinate entities. Further, in any of the capacities listed in this paragraph, the Defendant may not receive any compensation that is calculated based on proceeds or profits from any dealings with LIUNA or any of its affiliated or subordinate entities."

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**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>		<u>Fine</u>		<u>Restitution</u>
<b>Totals:</b>	\$ 100.00		\$ 10,000.00		\$ 99,646.79

If applicable, restitution amount ordered pursuant to plea agreement . . . . . \$ 99,646.79

**FINE**

The above fine includes costs of incarceration and/or supervision in the amount of \$ \_\_\_\_\_.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - The interest requirement is waived.
  - The interest requirement is modified as follows:

**RESTITUTION**

The determination of restitution is deferred until \_\_\_\_\_ . An Amended Judgment in a Criminal Case will be entered after such a determination.

The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>* Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Rhode Island Division of Taxation	\$19,250.00	\$19,250.00	
Town of Barrington	\$80,396.79	\$80,396.79	

**Totals:** \$ 99,646.79 \$ 99,646.79

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

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## SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A  in full immediately; or
- B  \$ \_\_\_\_\_ immediately, balance due (in accordance with C, D, or E); or
- C  not later than \_\_\_\_\_; or
- D  in installments to commence \_\_\_\_\_ day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E  in \_\_\_\_\_ (e.g. equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ year(s) to commence \_\_\_\_\_ day(s) after the date of this judgment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

**All monetary penalties are due in full immediately.**

**Payments shall be made to the Clerk, U.S. District Court, for transfer to the payees.**

The defendant shall pay the cost of prosecution.

The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are to be made as directed by the court, the probation officer, or the United States attorney.

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### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**OR**

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

#### Guideline Range Determined by the Court:

Total Offense Level: **12**

Criminal History Category: **I**

Imprisonment Range: **10-16 months.**

Supervised Release Range: **2-3 years.**

Fine Range: \$ 3,000.00 to \$ 30,000.00

Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \$ 99,646.79

Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).

For offenses committed on or after September 13, 1994 but before April 23, 1996 that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, and 113A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.

Partial restitution is ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

**OR**

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

**OR**

The sentence departs from the guideline range:

upon motion of the government, as a result of defendant's substantial assistance.

for the following specific reason(s):

**The Court departs under USSG §5K2.0, for the defendant's substantial cooperation in the reform process of the Laborer's International Union of North America.**