

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- :

INDICTMENT

DINO TOMASSETTI, : 04 Cr.

Defendant. :

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**COUNT ONE**

(Conspiracy)

The Grand Jury charges:

1. From in or about 1991, up to and including in or about December 2001, in the Southern District of New York and elsewhere, DINO TOMASSETTI, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1341 and 1346, and Title 29, United States Code, Section 186.

2. It was a part and an object of the conspiracy that the defendant, DINO TOMASSETTI, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, unlawfully, willfully and knowingly would and did place in a post office and authorized depository for mail matter, matters

and things to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited a matter and thing to be sent and delivered by a private and commercial interstate carrier, and would and did take and receive therefrom, such matters and things, and would and did knowingly cause to be delivered by mail and such carrier according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, such matters and things, in violation of Sections 1341 and 1346 of Title 18, United States Code.

3. It was further a part and an object of the conspiracy that the defendant, DINO TOMASSETTI, and others known and unknown, knowing that TOMASSETTI was an employer and a person who acted in the interest of an employer, namely, Laquila Construction, Inc., would and did pay, lend, and deliver, and agree to pay, lend, and deliver money and other things of value to labor organizations, namely, Locals 14 and 15 of the International Union of Operating Engineers ("Locals 14 and 15"), and officers and employees of Locals 14 and 15, which represented, sought to represent, and did admit to membership the employees of Laquila Construction, Inc., who were employed in an industry affecting commerce, in violation of Section 186 of Title 29, United States Code.

OVERT ACTS

4. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about December 1992, TOMASSETTI, acting on behalf of Laquila Construction, Inc., a contractor engaged in the construction industry which had signed collective bargaining agreements ("CBAs") with Locals 14 and 15, made a cash payment to a business agent ("Business Agent-1") of Local 14.

b. In or about December 1998, TOMASSETTI made a cash payment to the business manager ("Business Manager-1") of Local 14.

c. In or about December 1998, Business Manager-1, acting at the behest of TOMASSETTI, and using funds that he had received from TOMASSETTI for that purpose, made cash payments on behalf of Laquila Construction, Inc. to business agents of Local 14.

d. In or about December 2001, TOMASSETTI made a cash payment to the business manager ("Business Manager-2") of Local 14.

e. In or about December 2001, Business Manager-2, acting at the behest of TOMASSETTI, and using funds that he had received from TOMASSETTI for that purpose, made cash payments on

behalf of Laquila Construction Inc. to business agents of Local 14.

f. From in or about 1991, up to and including in or about 2001, numerous mailings were sent through United States mail to and from the offices of Locals 14 and 15 including, among other things, reports by Laquila Construction, Inc. of hours worked by members of Locals 14 and 15 on various Laquila jobsites, contributions by Laquila Construction, Inc. to Locals 14 and 15 employee welfare and pension funds, and statements of benefits of individual Locals 14 and 15 members, some of whom had worked on Laquila Construction, Inc. jobsites.

(Title 18, United States Code, Section 371.)

**COUNT TWO**

(Mail Fraud)

The Grand Jury further charges:

5. From in or about 1991, up to and including in or about December 2001, in the Southern District of New York and elsewhere, DINO TOMASSETTI, the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, unlawfully, willfully, and knowingly did place in a post office and authorized depository for mail matter,

matters and things to be sent and delivered by the Postal Service, did deposit and cause to be deposited such matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did cause to be delivered by mail according to the direction thereon, and at the place it was directed to be delivered by the person to whom it was addressed, such matters and things, to wit, TOMASSETTI participated in a scheme whereby the members of Locals 14 and 15 were deprived of the intangible right of honest services of the elected officials of Locals 14 and 15, who received payments from TOMASSETTI, acting on behalf of Laquila Construction, Inc., a contractor engaged in the construction industry which had signed CBAs with Locals 14 and 15, and during the course of such scheme, numerous pieces of correspondence were sent between Locals 14 and 15 and Laquila Construction, Inc., and other entities and individuals, via United States mail.

(Title 18, United States Code, Sections 1341, 1346 and 2.)

**COUNT THREE**

(Unlawful Receipt of Labor Payments)

The Grand Jury further charges:

6. From in or about 1991, up to and including in or about December 2001, in the Southern District of New York and elsewhere, DINO TOMASSETTI, the defendant, unlawfully, willfully,

and knowingly, being an employer and a person who acted in the interest of an employer, namely, Laquila Construction, Inc., did pay, lend, and deliver, and agree to pay, lend, and deliver money and other things of value to labor organizations, namely, Locals 14 and 15, and officers and employees of Locals 14 and 15, which represented, sought to represent, and did admit to membership the employees of Laquila Construction, Inc., who were employed in an industry affecting commerce, to wit, TOMASSETTI, on behalf of Laquila Construction, Inc., a contractor engaged in the construction industry which had signed CBAs with Locals 14 and 15, improperly made payments to business managers, business agents and other officers and employees of Locals 14 and 15.

(Title 29, United States Code, Section 186 and  
Title 18, United States Code, Section 2.)

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FOREPERSON

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DAVID N. KELLEY  
United States Attorney