

2. That LIUNA Local 271 (hereinafter "Local 271") was a subordinate body within the LIUNA and a labor organization in which employees in the Rhode Island building and construction industry participated and existed for the purpose of dealing with employers in the Rhode Island building and construction industry concerning such employees' hours, wages, and working conditions, within the meaning of Sections 152 and 186 of Title 29, United States Code.

3. That Laborers New England Region Organizing Fund (hereinafter "NEROF") was a subordinate body within the LIUNA and a labor organization in which employees in the New England building and construction industry participated and existed for the purpose of dealing with employers in the New England building and construction industry concerning such employees' hours, wages, and working conditions, within the meaning of Sections 152 and 186 Title 29, United States Code.

4. That Defendant GERALD DIODATI was a person acting in the interest of Hemphill Construction, and after June 2003, of Rhode Island Demolition, both of which corporations were engaged in the building and construction industry in Rhode Island.

5. That Defendant NICHOLAS MANOCCHIO was an officer and employee of a labor organization in his capacity as director for NEROF from on or about 2002 until at least through the date of this Indictment, within the meaning of Section 186(a)(2) of Title 29, United States Code.

6. That Defendant HAROLD TILLINGHAST was an employee of a labor organization in his capacity as organizer for NEROF from on or about 2002 until at least through 2005, within the meaning of Section 186(a)(2) of Title 29, United States Code.

COUNT ONE

(18 U.S.C. § 371 - Conspiring to violate the
Labor-Management Relations Act)

D-1 GERALD DIODATI
D-2 HAROLD TILLINGHAST
D-3 NICHOLAS MANOCCHIO

1. The allegations contained in paragraph one (1) through six (6) of the General Allegations of this Indictment are realleged in this Count and are incorporated by reference as if fully set forth herein.

2. Beginning at least as early as August 2002, and continuing at least through January 2005, both dates being approximate, the exact dates being unknown to the Grand Jury, in the District of Rhode Island, GERALD DIODATI, HAROLD TILLINGHAST, and NICHOLAS MANOCCHIO, Defendants herein, and other persons both known and unknown to the Grand Jury, did unlawfully, willfully and knowingly, combine, conspire, confederate and agree together and with each other to commit offenses against the United States, that is, to violate Section 186(a)(2), 186(b)(1), and 186(d)(2) of Title 29, United States Code.

THE OBJECTS OF THE CONSPIRACY

3. It was an object of the conspiracy that Defendant GERALD DIODATI, and others known and unknown to the Grand Jury, as persons acting in the interest of Hemphill Construction and Rhode Island Demolition, would unlawfully and willfully pay, lend, deliver, and agree to pay, lend and deliver, money and other things of value in excess of \$1,000 to officers and employees of LIUNA and its subordinate bodies, including NEROF and Local 271.

4. It was an object of the conspiracy that Defendants HAROLD TILLINGHAST and NICHOLAS MANOCCHIO, and others known and unknown to the Grand Jury, would unlawfully and willfully request, demand, receive and accept, and agree to receive and accept, the payment, loan, and delivery of money and other things of value in excess of \$1,000 from persons acting in the interest of Hemphill Corporation and Rhode Island Demolition.

THE MEANS AND METHODS OF THE CONSPIRACY

5. Among the means and methods by which the Defendants would and did carry out the conspiracy were the following:

a. In 2002, Defendant GERALD DIODATI and others known and unknown to the Grand Jury, would form and operate Hemphill Construction with the intent to gain unlawful advantage in the bidding and performance of construction projects by means of, among other actions, the payment of money and other things of value to officers and employees of LIUNA and its subordinate bodies,

including NEROF and Local 271.

b. In 2003, Defendant GERALD DIODATI and others known and unknown to the Grand Jury, would form and operate Rhode Island Demolition with the intent to gain unlawful advantage in the bidding and performance of construction projects by means of, among other actions, the payment of money and other things of value to officers and employees of LIUNA and its subordinate bodies, including NEROF and Local 271.

c. Beginning in May 2003 until December 2003, Defendant GERALD DIODATI and others known and unknown to the Grand Jury, would pay, deliver, and agree to pay and deliver, money and other things of value, including cash, liquor, and gift certificates, while acting in the interest of Hemphill Construction and Rhode Island Demolition, which he believed to be employers of employees employed in an industry affecting interstate and foreign commerce, to officers and employees of LIUNA and its subordinate bodies, including NEROF and Local 271 which represented, sought to represent, and would admit to membership the employees of Hemphill Construction and Rhode Island Demolition.

d. Beginning in May 2003 until December 2003, Defendants HAROLD TILLINGHAST and NICHOLAS MANOCCHIO, and others known and unknown to the Grand Jury, would request, demand, receive and accept, and agree to receive and accept, money and other things of value, including cash, liquor, rental cars, and gift certificates, from persons whom they believed were acting in the interest of Hemphill Construction and Rhode Island Demolition which they believed were employers of employees employed in an industry affecting interstate and foreign commerce whose employees LIUNA and its subordinate bodies, including NEROF and Local 271, represented, sought to represent, and would admit to membership.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects and purposes thereof, the Defendants undertook the following overt acts, among others:

6. On or about May 6, 2003, Defendant GERALD DIODATI gave \$2,000 in cash to Defendant HAROLD TILLINGHAST in the offices of Hemphill Construction.

7. On or about July 30, 2003, a person acting in the interest of Hemphill Construction and Rhode Island Demolition took \$1,000 in cash from Hemphill Construction with the intention to give it to an official in LIUNA Local 271.

8. On or about July 30, 2003, in an alley in Cranston, Rhode Island, an official in LIUNA Local 271 accepted \$1,000 in cash from a person acting in the interest of Hemphill Construction and Rhode Island Demolition.

9. On or about October 7, 2003, Defendant HAROLD TILLINGHAST told a person acting in the interest of Hemphill Construction and Rhode Island Demolition that he had received a cash payment from Defendant GERALD DIODATI.

10. On or about November 2, 2003, a person acting in the interest of Hemphill Construction and Rhode Island Demolition provided \$500 to an official in LIUNA Local 271 in order to pay a bill for a rental car for a trip to Florida taken by that official.

10. On or about December 4, 2003, Defendant GERALD DIODATI told persons acting in the interest of Hemphill Construction and Rhode Island Demolition that he would give liquor and gift certificates to officers and employees in NEROF and Local 271 as Christmas gifts.

11. On or about December 11, 2003, in a Starbucks coffee house in Cranston, Rhode Island, Defendant HAROLD TILLINGHAST accepted \$500 in cash in an envelope from a person acting in the interest of Hemphill Construction and Rhode Island Demolition.

12. On or about December 17, 2003, an official in LIUNA Local 271 provided a receipt for a rental car bill for \$484.36 to a person acting in the interest of Hemphill Construction and Rhode

Island Demolition for a rental car used on a trip to Florida taken by that official.

13. On or about December 22, 2003, Defendant HAROLD TILLINGHAST told a person acting in the interest of Hemphill Construction and Rhode Island Demolition that he would have Defendant NICHOLAS MANOCCHIO call the person on the telephone to signal the person that MANOCCHIO would accept a cash payment of \$2,000 from the person.

14. On or about December 22, 2003, Defendant NICHOLAS MANOCCHIO telephoned the cell phone of a person acting in the interest of Hemphill Construction and Rhode Island Demolition and asked him "How's our partnership doing? All right?" in order to signal him that MANOCCHIO would accept an envelope with \$2,000 in cash.

15. On or about December 22, 2003, Defendant HAROLD TILLINGHAST accepted \$2,000 in cash in an envelope from a person acting in the interest of Hemphill Construction and Rhode Island Demolition to be given to Defendant NICHOLAS MANOCCHIO.

16. On or about December 22, 2003, Defendant NICHOLAS MANOCCHIO accepted \$2,000 in cash in a Christmas card in his office in Providence, Rhode Island from Defendant HAROLD TILLINGHAST in the interest of Hemphill Construction and Rhode Island Demolition.

All in violation of Title 18, United States Code, Sections 371
and 2.

THIS IS A TRUE BILL.

REDACTED

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United States Attorney

Bruce G. Ohr / yjf

BRUCE G. OHR
Chief, Organized Crime and Racketeering Section

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Trial Attorney

Dated: November 21, 2008