



United States Attorney District of New Jersey

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SIX CHARGED WITH LABOR OFFENSES INCLUDING UNLAWFUL PAYMENTS TO UNION OFFICIALS AND EMBEZZLEMENT FROM EMPLOYEE BENEFIT FUNDS

NEWARK, N.J. – Two New Jersey residents and four New York residents are charged in two separate Indictments with a wide range of fraud, embezzlement, and other offenses stemming from their involvement in a Jersey City, N.J., construction project between 2007 and 2008, New Jersey U.S. Attorney Paul J. Fishman announced.

Pasquale Zinna, Eric Haynberg, Rocco Mazzaferro, and Vincenzo Genovese were arrested early this morning at their homes in a coordinated law enforcement effort. Janeen Zinna, Pasquale Zinna's wife, surrendered to law enforcement later this morning. The five defendants taken into custody today had initial appearances this afternoon before U.S. Magistrate Judge Michael A. Shipp in Newark federal court and were released on bail.

Anselmo Genovese, Vincenzo Genovese's nephew, is expected to surrender to federal authorities tomorrow for an initial appearance before Judge Shipp tomorrow afternoon.

Anselmo Genovese is charged in two separate Indictments with various offenses relating to his role as a Project Manager for New York-based 160 Broadway Concrete, a sub-contractor at a high-rise construction project at 77 Hudson Street in Jersey City, N.J. A four-count Indictment charges Anselmo Genovese alone with conspiring to make unlawful labor payments to the then-Business Manager of ILA Local 325, in Jersey City.

According to that Indictment, unsealed today in Newark federal court:

Anselmo Genovese and the Business Manager agreed that Genovese would pay the Business Manager \$1,000 a week to allow Broadway Concrete to use Laborers' International Union of North America (LIUNA) laborers from New York locals rather than Local 325 for the 77 Hudson Street project. The payments also allowed Genovese to circumvent Local 325's collective bargaining agreement, which required employers to pay into the New Jersey Building Laborers' Statewide Benefit Funds, and instead pay into the New York laborers' benefit funds. Genovese paid the Business Manager two payments of \$4,000 each. As a result, the New Jersey Building Laborers' Statewide Benefit Funds were deprived of approximately \$1.7 million. The Indictment also charges Genovese with making unlawful labor payments and embezzlement of employee benefit funds.

A second Indictment charges Anselmo Genovese and the five others with numerous offenses also related to the 77 Hudson Street construction project. According to that Indictment,

also unsealed today in Newark federal court:

Anselmo Genovese; Vincenzo Genovese; Mazzaferro; Pasquale Zinna, who was a Project Superintendent for Broadway Concrete at the 77 Hudson Street project; and Haynberg, who was a timekeeper for Broadway Concrete, are charged with conspiracy, wire fraud, and embezzlement of funds from Cement Masons' Local 780 by providing a no-show job for Mazzaferro, who received more than \$143,000 in paychecks and benefits as a result.

The Zinnas, and Haynberg also are charged with conspiracy, wire fraud, and embezzlement of funds from Local 780 by providing a no-show job to Janeen Zinna, who received more than \$477,000 in paychecks and benefits as a result.

Vincenzo Genovese, Anselmo Genovese, Pasquale Zinna, and Haynberg also are charged with conspiracy and embezzlement from the Local 780 benefit funds for masking the fact that Vincenzo Genovese was working as a mason at the 77 Hudson Street project, to allow him to continue receiving pension benefits from Local 780 Benefit Funds. The defendants allowed Vincenzo Genovese to work under Mazzaferro's name, and to collect more than \$9,200 from the Local 780 Benefit Funds.

Pasquale Zinna is also charged with Social Security disability fraud involving more than \$101,000 by concealing his return to work at Broadway Concrete, including having paychecks issued to him in the names of other individuals. He is also charged with structuring financial transactions at a joint checking account that he had with his wife at Commerce Bank, now T.D. Bank.

U.S. Attorney Fishman credited special agents of the FBI, under the direction of Special Agent in Charge Michael B. Ward in Newark; and the Office of Labor Racketeering & Fraud Investigations of the U.S. Department of Labor, Office of Inspector General, under the direction of Special Agent in Charge Robert Panella for the New York Region, for the investigation leading to the arrests and charges. He also thanked the IRS, under the direction of Special Agent in Charge Victor W. Lessoff; the Social Security Administration Office of the Inspector General, under the direction of Edward J. Ryan, New York Field Division, for their work on this case, and the U.S. Department of Labor, Employee Benefits Security Administration, for its assistance.

The charges and allegations contained in the Indictments are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

The government is represented by Assistant U.S. Attorney Leslie F. Schwartz, of the U.S. Attorney's Office Organized Crime/Gangs Unit in Newark.

The defendants and charges in the Newark indictments are outlined in the following chart, along with the maximum potential penalty per count if convicted. Each count also carries a maximum \$250,000 fine.

U.S. v. Genovese, Crim. No. 11-164

Defendant	Count/Charges	Maximum Potential Penalty
Anselmo Genovese, 43, Staten Island, N.Y.	Count 1: Unlawful Labor Payments and Embezzlement Conspiracy	5 years in prison
	Counts 2 & 3: Unlawful Labor Payments	5 years in prison
	Count 4: Embezzlement-Employee Benefit Funds	5 years in prison

U.S. v. Genovese, et al., Crim. No. 11-165

Anselmo Genovese, 43, Staten Island, N.Y.	Count 1: Wire Fraud Conspiracy	20 years in prison
	Counts 2 -12: Wire Fraud	20 years in prison
	Counts 13 & 15: Embezzlement Conspiracy	5 years in prison
	Counts 14 & 16: Embezzlement-Employee Benefit Funds	5 years in prison
Pasquale Zinna, 43, Hackettstown, N.J.	Counts 1 & 17: Wire Fraud Conspiracy	20 years in prison
	Counts 2 -12 & 18-29: Wire Fraud	20 years in prison

	Counts 13, 15 & 30: Embezzlement Conspiracy	5 years in prison
	Counts 14, 16 & 31: Embezzlement-Employee Benefit Funds	5 years in prison
	Count 32: Social Security Fraud	5 years in prison
	Count 33: Structuring Financial Transactions	5 years in prison
Janeen Zinna, 42, Hackettstown, N.J.	Count 17: Wire Fraud Conspiracy	20 years in prison
	Counts 18 - 29: Wire Fraud	20 years in prison
	Count 30: Embezzlement Conspiracy	Five years in prison
	Count 31: Embezzlement-Employee Benefit Funds	5 years in prison
	Count 32: Social Security Fraud	5 years in prison

Eric Haynberg, 45, New York	Counts 1 & 17: Wire Fraud Conspiracy	20 years in prison
	Counts 2 -12 and 18-29: Wire Fraud	20 years in prison
	Counts 13, 15 & 30: Embezzlement Conspiracy	5 years in prison
	Counts 14, 16 & 31: Embezzlement- Employee Benefit Funds	5 years in prison
Rocco Mazzaferro, 63, Brooklyn, N.Y.	Count 1: Wire Fraud Conspiracy	20 years in prison
	Counts 2-12: Wire Fraud	20 years in prison
	Count 13: Embezzlement Conspiracy	5 years in prison
	Count 14: Embezzlement- Employee Benefit Funds	Five years in prison
Vincenzo Genovese, 74, Staten Island, N.Y.	Count 1: Wire Fraud Conspiracy	20 years in prison
	Counts 2 -12: Wire Fraud	20 years in prison
	Counts 13 & 15: Embezzlement Conspiracy	5 years in prison

	Counts 14 & 16: Embezzlement- Employee Benefit Funds	5 years in prison
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Defense counsel:

Pasquale Zinna: Maurice Sercarz, Esq., New York
Janeen Zinna: David Breitbart, Esq., New York
Eric Haynberg: Eric Franz, Esq., New York
Rocco Mazzaferro: Steven Brill, Esq., New York
Vincenzo Genovese: Susan Wolfe, Esq., New York