

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW  
YORK

-against-

LAWRENCE WECKER,  
MICHAEL SPEIER,  
JOSEPH GUINTA,  
LISA ROSSI,  
MARCOS PINHEIRO,  
JM3 CONSTRUCTION LLC,  
JACG CONSTRUCTION LLC,  
LNR CONSTRUCTION LLC, and,  
MGS CONSTRUCTION CORP.

Defendants.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants of the crime of **ENTERPRISE CORRUPTION**, in violation of Penal Law § 460.20(1)(a), committed as follows:

The defendants, and others, in the County of New York, and elsewhere, during the period from on or about January 12, 2015, to on or about June 12, 2022, having knowledge of the existence of a criminal enterprise (“the JM3 CONSTRUCTION ENTERPRISE”), intentionally conducted and participated in the affairs of the criminal enterprise by participating in a pattern of criminal activity.

### The Criminal Enterprise

At all times relevant to this indictment:

The JM3 CONSTRUCTION ENTERPRISE consisted of Lawrence Wecker, JM3 Construction LLC's President (the "JM3 President"), Michael Speier, Joseph Guinta, Lisa Rossi, Marcos Pinheiro, JM3 Construction LLC, JACG Construction LLC, LNR Construction LLC, MGS Construction Corp., along with others known and unknown to the Grand Jury, sharing a common purpose of engaging in criminal conduct, associated in an ascertainable structure distinct from a pattern of criminal activity, and with a continuity of existence, structure, and criminal purpose beyond the scope of individual criminal incidents.

### Structure of the Criminal Enterprise

The top tier of the JM3 CONSTRUCTION ENTERPRISE consisted of Lawrence Wecker and the JM3 President, and their company, JM3 Construction LLC. JM3 Construction LLC was a large, non-union drywall/carpentry company specializing in government subsidized affordable housing projects in New York County and the greater New York City area. Michael Speier was a JM3 Construction LLC executive/project manager who assisted Lawrence Wecker and the JM3 President in the company's day-to-day operations, including preparing bids and negotiating subcontracts. To perform the drywall/carpentry work, JM3 Construction LLC used its own employees and subcontractor companies, many of which used undocumented and/or unreported workers who were paid in cash. JM3 Construction LLC hid these subcontractor companies and workers from its clients, the general contractors and/or developers, omitting them on requisition

documents and falsifying payroll reports. JM3 Construction LLC also directed the subcontractors and workers to identify themselves as JM3 Construction LLC employees.

The second tier of the JM3 CONSTRUCTION ENTERPRISE consisted of the JM3 Construction LLC subcontractors and/or purported subcontractors participating in the different criminal schemes, such as Joseph Guinta, Lisa Rossi, Marcos Pinheiro, JACG Construction LLC, LNR Construction LLC, and MGS Construction Corp. Joseph Guinta and Marcos Pinheiro each operated JM3 Construction LLC subcontracting companies, JACG Construction LLC and MGS Construction Corp., respectively. Joseph Guinta and Marcos Pinheiro were also on the JM3 Construction LLC payroll. In addition to his role as a subcontractor and JM3 Construction LLC employee, Marcos Pinheiro was responsible for obtaining cash on behalf of the JM3 CONSTRUCTION ENTERPRISE by conducting check cashing transactions using shell companies. Lisa Rossi was the principal of LNR Construction LLC, a company that was set up to be a certified women-owned business enterprise (“WBE”), to facilitate pass-through schemes directed by Lawrence Wecker, the JM3 President, Michael Speier, and JM3 Construction LLC. By using LNR Construction LLC, JM3 Construction LLC was able to increase its government-subsidized affordable housing business, which often required the participation of such WBEs.

#### **Purpose of the Criminal Enterprise**

The defendants worked collaboratively to effectuate the common purpose of the JM3 CONSTRUCTION ENTERPRISE. Pursuant to this common criminal purpose, the defendants, among other things: 1) conspired to falsify business records regarding the cash payrolls of JM3 Construction LLC, JACG Construction LLC, and MGS Construction Corp., and worker injuries; 2)

conspired to falsify business records related to minority-owned business enterprise (“MBE”) and WBE (collectively, M/WBE) pass-through arrangements; 3) stole requisition monies from JM3 Construction LLC subcontractors and falsified related business records in connection with these thefts; 4) committed bid-rigging in connection with a construction project to ensure that JM3 Construction LLC was awarded the project with inflated allowance monies to cover a substantial bribe to a client company executive; 5) established an extensive M/WBE fraud scheme involving falsifying of business records and offering of false instruments for filing with governmental entities to make it appear that M/WBE firms were providing goods and services on projects when, in fact, the goods and services were provided by JM3 Construction LLC and/or other non-M/WBE firms; 6) attempted to steal monies from JM3 Construction LLC clients to pay debts owed to subcontractors and/or material suppliers on unrelated projects; 7) bribed construction company executives, employees, and agents, to obtain new business and/or maintain existing business relationships; 8) defrauded the New York State Insurance Fund (“NYSIF”) with respect to workers’ compensation insurance; 9) committed money laundering and falsified business records to conceal the nature and scope of the unreported cash payrolls; and 10) Lawrence Wecker possessed a loaded firearm.

#### **Pattern of Criminal Activity**

During the period charged in this indictment, each of the defendants, as specified below, intentionally participated in the affairs of the criminal enterprise by participating in a pattern of criminal activity, committed as follows:

Pattern Act 1

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime of **CONSPIRACY IN THE FOURTH DEGREE**, in violation of Penal Law § 105.10(1), committed as follows:

The defendants in the County of New York, and elsewhere, during the period from on or about June 23, 2020, to on or about June 12, 2022, with the intent that conduct constituting Grand Larceny in the Second Degree, a class C felony, be performed, agreed with each other and others to engage in and cause the performance of such conduct.

## **PREAMBLE**

It was the ultimate purpose of the conspiracy for JM3 Construction LLC, JACG Construction LLC, and other co-conspirators to steal money from clients and subcontractors. The conspirators achieved the ends of the conspiracy in several ways, including: 1) Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, JACG Construction LLC, and others falsified business records and documents, including creating fraudulent, inflated contracts, to steal monies from clients; 2) Lawrence Wecker, Michael Speier, JM3 Construction LLC, and others, made false representations to clients and subcontractors concerning the payment (or non-payment) of subcontractors, and stole money due to said subcontractors, including on a New York County project; and, 3) Lawrence Wecker, Michael Speier, JM3 Construction LLC, and others, directed Tri-State Lumber, Ltd. to file a fraudulent lien seeking payment from a JM3 Construction LLC client for materials which had already been paid in full, with the intention that the stolen money would cover debts owed on other projects.

## **OVERT ACTS**

In furtherance of said conspiracy and to effect the objects thereof, during the period from on or about June 23, 2020, to on or about June 12, 2022, the following overt acts, among others, were committed:

1. On or about June 23, 2020, Michael Speier executed a contract on behalf of JM3 Construction LLC with Subcontractor-1 in the amount of \$575,000 for the project located at 150 East 78<sup>th</sup> Street in New York County (“the East 78<sup>th</sup> Street project”).

2. On or about February 24, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed submitting a bid to General Contractor-2 (“GC-2”) for the project located at 55 Union Street, Newark, New Jersey (“55 Union Street project”). During the conversation, Lawrence Wecker stated in substance, that he would be meeting with Adrian Esparragoza, the GC-2 executive overseeing the project, to “get the real number and see what’s in it for him.”
3. On or about February 25, 2021, Lawrence Wecker met with Adrian Esparragoza at a restaurant in Staten Island, New York, to discuss the project.
4. On or about March 18, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed JM3 Construction LLC’s bid on the 55 Union Street project, including their promise to pay Adrian Esparragoza a \$50,000 bribe, which would be contained in their project award, and charged to GC-2 and GC-2’s client.
5. On or about March 19, 2021, in a telephone conversation, Lawrence Wecker and Adrian Esparragoza discussed JM3 Construction LLC’s bid price, which included the \$50,000 bribe.
6. On or about March 24, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed JM3 Construction LLC’s bid on the 55 Union Street project. Lawrence Wecker stated in substance, “Adrian said he’s gonna push for more, all in for like \$9.6 million.”

7. On or about March 24, 2021, in a telephone conversation in New York County, Lawrence Wecker and Adrian Esparragoza discussed the progress of the bidding process. During the conversation, Lawrence Wecker stated in substance, “When I sign the contract, I’ll give you the first part of the other thing.”
8. On or about June 30, 2021, the JM3 President submitted a fraudulent Trade Contractor’s Sworn Statement to General Contractor-1 (“GC-1”), which failed to identify Subcontractor-1 as a subcontractor on the East 78<sup>th</sup> Street project.
9. On or about July 6, 2021, JM3 Construction LLC issued a check to Subcontractor-1 for work performed on the East 78<sup>th</sup> Street project, which was returned for insufficient funds.
10. On or about July 23, 2021, the JM3 President submitted a fraudulent Trade Contractor’s Sworn Statement to GC-1, which failed to identify Subcontractor-1 as a subcontractor on the East 78<sup>th</sup> Street project.
11. On or about August 6, 2021, JM3 Construction LLC issued a check to Subcontractor-1 for work performed on the East 78<sup>th</sup> Street project, which was returned for insufficient funds.
12. On or about August 13, 2021, JM3 Construction LLC issued a series of checks to Subcontractor-1 for work performed on the East 78<sup>th</sup> Street project, all of which were returned for insufficient funds.



13. On or about August 20, 2021, JM3 Construction LLC issued a \$100,000 check to Subcontractor-1 for work performed on the East 78<sup>th</sup> Street project, however, JM3 Construction LLC placed a stop payment on the check prior to funds being received by Subcontractor-1.
14. On or about August 25, 2021, in a telephone conversation, Lawrence Wecker stated in substance to JM3 Construction LLC Foreman-5 (“JM3 Foreman-5”), “They gave me money last week for the [Subcontractor-1], got me the [requisition], I kept it. I was supposed to give the kid \$100,000, I didn’t give it to him . . . [the JM3 President] took \$150,000 out of the account to pay himself back.”
15. On or about August 30, 2021, in a telephone conversation, Lawrence Wecker told Michael Speier in substance, “I told [the GC-1 executive in charge of the East 78<sup>th</sup> Street project] we took the money. Not gonna lie to him, he knew it was in the [requisition].”
16. On or about August 31, 2021, the JM3 President submitted a fraudulent Trade Contractor’s Sworn Statement to GC-1, which failed to identify Subcontractor-1 as a subcontractor on the East 78<sup>th</sup> Street project.

17. On or about September 13, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed the 55 Union Street project's contract amount, including the inflation of the contract to cover the bribe payment to Adrian Esparragoza. Michael Speier stated in substance, "Have that \$400,000 allowance line item . . . [Adrian's money] is in the 400 grand . . . it's built into that \$400,000 . . . [Adrian] said change it to general conditions. Can bill it every month, some miscellaneous bullshit we can make up and bill towards it."
18. On or about September 14, 2021, in a telephone conversation in New York County, Lawrence Wecker told Leah Guttman of Tri-State Lumber, Ltd. to file a lien on a project in Stamford, Connecticut, a project for which JM3 Construction LLC did not owe Tri-State Lumber, Ltd. money.
19. On or about September 14, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed the fraudulent lien to be filed by Tri-State Lumber, Ltd.
20. On or about September 15, 2021, in a telephone conversation, Lawrence Wecker and Leah Guttman discussed the amount of the fraudulent lien that Tri-State Lumber, Ltd. would file. During the conversation, Leah Guttman stated in substance, "The lien for Stamford, Connecticut, we're putting today . . . I told her to put \$322,000 . . . You only bought for \$222,000, but whatever we get, we'll update you."

21. On or about September 30, 2021, Joseph Guinta sent an email to a General Contractor-5 (“GC-5”) executive regarding GC-5 making payments to JACG Construction LLC for subcontractor work done for JM3 Construction LLC. Attached to the email was a subcontractor agreement between JM3 Construction LLC and JACG Construction LLC with a listed contract price of \$815,000, dated January 4, 2021.
22. On or about October 1, 2021, in a telephone conversation, Michael Speier stated in substance to Lawrence Wecker, “I think we should walk off the [GC-5] jobs . . . we can increase [Joseph Guinta’s] Livonia number, [GC-5] will be on the hook for it.”
23. On or about October 4, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed “working up a big contract” and “bumping up” the subcontract between JM3 Construction LLC and Joseph Guinta/JACG Construction LLC related to a GC-5 project.
24. On or about October 5, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed inflating the above-mentioned subcontract between JM3 Construction LLC and JACG Construction LLC by \$100,000. Michael Speier stated in substance, “Well, Joe [Guinta] already told [the GC-5 executive] that his contract is \$100,000 more than what it is . . . so, I’ll change Joe’s contract, the one we have written up, to \$815,000.”
25. During the same conversation, Michael Speier and Lawrence Wecker discussed inflating the contract for Marcos Pinheiro and MGS Construction Corp. Lawrence Wecker stated in substance, “Yeah, you can raise Marcos’s a little bit.”

26. On or about October 5, 2021, in a telephone conversation in New York County, Michael Speier stated in substance to Lawrence Wecker, “[The GC-5 executive] wants me to send him the contracts for JACG, the contracts for MGS . . . Joe [Guinta] already sent his to [the GC-5 executive] and he made it \$100,000 more . . . I mean, I can’t make, you know what I mean, I can make everybody else’s more and more. But, eventually, it’s gonna look, I can’t make it look too crazy . . . Like, I’ve got Joe here, like Guinta’s here sitting in my office. And he’s like, ‘Come on, let’s do this, let’s send this.’ And I told him, I said, ‘Joe, I’m not doing a fucking thing until I speak to Larry.’”
27. On or about October 5, 2021, in a telephone conversation in New York County, Lawrence Wecker and Leah Guttman discussed creating fictitious invoices to submit to GC-5. During the conversation, Leah Guttman stated in substance, “LeCount you paid me everything already . . . do you want to try to squeeze out money from them?”
28. On or about October 6, 2021, in a telephone conversation in New York County, Michael Speier stated in substance to Lawrence Wecker, that he could not inflate Marcos Pinheiro’s contract by \$100,000 because JM3 Construction LLC and MGS Construction Corp. had “been doing the payroll reports, they have his contract, don’t want to get caught lying.”
29. On or about October 7, 2021, in a telephone conversation in New York County, Michael Speier stated in substance to Lawrence Wecker, “Joe’s [Guinta] contract there we bumped up by 100 grand and it’s good . . . there’s an extra \$100,000 there that Joe is gonna get paid and you can take off on money we owe somewhere else . . . Marcos [Pinheiro’s], I couldn’t increase his number because he’s on the payroll reports.”

30. On or about October 7, 2021, in a telephone conversation in New York County, Lawrence Wecker and Joseph Guinta discussed the inflated JM3 Construction LLC/JACG Construction LLC contract. During the conversation, Joseph Guinta stated in substance, “Well, we added money, but we told him the lobby was separate just to hedge our bets.”
31. On or about October 13, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed falsifying documents in an attempt to have a client pay a different JM3 Construction LLC subcontractor. Michael Speier stated in substance, “Yeah, I can do that. I can create invoices for deliveries and stuff like that, I can do that. I just want to look back, I want to go like back dates. I want to backdate them a little bit, you know, like those they sent to us.”
32. On or about October 18, 2021, in a telephone conversation in New York County, Michael Speier told Lawrence Wecker, “78<sup>th</sup> is not our fault. I mean, we did move some money around to keep shit moving, but they run a job like shit.”
33. On or about November 6, 2021, in a telephone conversation, Michael Speier and the JM3 President discussed the influence JM3 Construction LLC had over Adrian Esparragoza due to the inflated contract that included the bribe payment.
34. On or about November 11, 2021, in a telephone conversation, Lawrence Wecker and Joseph Guinta discussed transferring the 55 Union Street project contract from JM3 Construction LLC to JACG Construction LLC. During the conversation, Lawrence Wecker stated in substance, “You know, there’s \$400,000 that’s not ours, that belongs back to the job. Michael [Speier] can explain it to you . . . like a little side pocket.”

Pattern Act 2

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants Lawrence Wecker, Michael Speier, Joseph Guinta, Marcos Pinheiro, JM3 Construction LLC, JACG Construction LLC, and MGS Construction Corp. of the crime of **CONSPIRACY IN THE FIFTH DEGREE**, in violation of Penal Law § 105.05, committed as follows:

The defendants in the County of New York, and elsewhere, during the period from on or about January 12, 2015, to on or about November 9, 2021, with the intent that conduct constituting the felonies of Falsifying Business Records in the First Degree and Money Laundering in the Third Degree be performed, agreed with each other and others to engage in and cause the performance of such conduct.

## PREAMBLE

The JM3 CONSTRUCTION ENTERPRISE directed and operated a large, weekly and unreported cash payroll, which included payments to Lawrence Wecker, the JM3 President, JM3 Construction LLC employees, and JM3 Construction LLC subcontractors, including JACG Construction LLC and MGS Construction Corp. It was the purpose of the conspiracy for Lawrence Wecker, Michael Speier, Joseph Guinta, Marcos Pinheiro, JM3 Construction LLC, JACG Construction LLC, MGS Construction Corp., and others, to engage in money laundering and to falsify business records related to the check cashing scheme that generated the cash to fund the companies' payrolls and other cash payments, and to falsify business records regarding workers, in particular, cash payroll worker injuries. The conspirators also falsified payroll reports and other business records to cover up the respective cash payrolls and the use of subcontractors on certain JM3 Construction LLC construction projects.

During the period of this conspiracy, Lawrence Wecker, Michael Speier, Joseph Guinta, Marcos Pinheiro, JM3 Construction LLC, JACG Construction LLC, and MGS Construction Corp. colluded with each other, and others, to underreport employee payrolls by generating cash payrolls, thereby defrauding their respective workers' compensation insurance providers. To achieve the conspiracy, Marcos Pinheiro and others arranged for shell companies to obtain minimal workers' compensation insurance policies with the New York State Insurance Fund ("NYSIF") and to establish accounts at various commercial check cashing businesses, so that the shell companies could cash checks issued by JM3 Construction LLC, MGS Construction Corp., and JACG Construction LLC to make it appear that the payments were in connection with legitimate construction subcontractor work.

#### **OVERT ACTS**

In furtherance of said conspiracy and to effect the objects thereof, during the period from on or about January 12, 2015, to on or about November 9, 2021, the following overt acts, among others, were committed:

1. On or about January 12, 2015, Marcos Pinheiro and MGS Construction Corp. issued a check to 4 x 4 General Contractors, Inc., a shell company used by Marcos Pinheiro to conduct check cashing using names not associated with himself or his company, MGS Construction Corp.



2. On or about February 6, 2015, JM3 Construction LLC issued a series of checks to 4 x 4 General Contractors, Inc., a shell company used by Marcos Pinheiro to conduct check cashing using names not associated with himself or his company, MGS Construction Corp.
3. On or about February 7, 2015, Marcos Pinheiro cashed the JM3 Construction LLC checks to 4 x 4 General Contractors, Inc. at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
4. On or about November 12, 2015, Marcos Pinheiro and MGS Construction Corp. issued a series of checks to 4 x 4 General Contractors, Inc. and Estrada General Contractors LLC, shell companies used by Marcos Pinheiro to cash checks. The checks were cashed the same day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
5. On or about April 27, 2017, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.'s annual Premium Audit for the period of January 8, 2016, through January 8, 2017.
6. On or about June 2, 2017, Joseph Guinta submitted an application for workers' compensation insurance to NYSIF on behalf of JACG Construction LLC, which stated that JACG Construction LLC had three employees with an annual payroll of \$75,000. In the application, Joseph Guinta agreed to notify NYSIF of any changes in the size of the company's workforce or payroll.

7. On or about August 28, 2017, Joseph Guinta issued a JACG Construction LLC check to S&W General Construction LLC, a shell company used by Marcos Pinheiro to cash checks. The check was cashed the following day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
8. On or about February 9, 2018, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.'s annual Premium Audit for the period of January 8, 2017, through January 8, 2018.
9. On or about July 16, 2018, Joseph Guinta issued a JACG Construction LLC check to Ukone General Construction LLC, a shell company used by Marcos Pinheiro to cash checks. The check was cashed the following day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
10. On or about October 31, 2018, JM3 Construction LLC submitted a falsified certified payroll report to GC-1 regarding the construction project at 200 East 95<sup>th</sup> Street in New York County, which falsely stated that Lawrence Wecker's wife worked on the project.
11. On or about April 8, 2019, Joseph Guinta issued a JACG Construction LLC check to SZ General Construction LLC, a shell company used by Marcos Pinheiro to cash checks. The check was cashed the following day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
12. On or about May 20, 2019, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.'s annual Premium Audit for the period of January 8, 2018, through January 8, 2019.

13. On or about May 31, 2019, JM3 Construction LLC submitted a falsified certified payroll report to GC-1 regarding the construction project at 543 West 122<sup>nd</sup> Street in New York County, which falsely stated that Lawrence Wecker's wife worked on the project.
14. On or about December 30, 2019, JMC Construction LLC submitted a falsified certified payroll report to GC-1 regarding the construction project at 543 West 122<sup>nd</sup> Street in New York County, which falsely stated that Lawrence Wecker's wife worked on the project. Listed on the same payroll report were Lawrence Wecker and Marcos Pinheiro.
15. On or about January 23, 2020, Joseph Guinta issued a JACG Construction LLC check to Right Choice Construction LLC, a shell company used by Marcos Pinheiro to cash checks. The check was cashed the same day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
16. On or about June 3, 2020, JM3 Construction LLC issued a check to Dussan General Construction LLC., a shell company used by Marcos Pinheiro to conduct check cashing using names not associated with himself or his company, MGS Construction Corp.
17. On or about September 10, 2020, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.'s annual Premium Audit for the period of January 8, 2019, through January 8, 2020.
18. On or about January 25, 2021, in a telephone conversation, Lawrence Wecker, Michael Speier, and Marcos Pinheiro discussed an injury sustained by one of Marcos Pinheiro's workers on a JM3 Construction LLC project. Michael Speier stated in substance, "He broke his arm . . . We can't make a report for him, there is no payroll for him."

19. During the same conversation, in response to inquiries being made by the general contractor's site safety inspector, Lawrence Wecker instructed Marcos Pinheiro in substance, "Say he didn't go to the doctor, he don't need no fucking doctor . . . Marcos, tomorrow, let him sign in tomorrow, into the building, then at coffeetime, take him out of the building . . . then when he goes to the hospital, he fell walking on the street."
20. On or about January 25, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed how to hide the above-mentioned worker's injury from the site safety inspector, including by making the worker wear a heavy, long sleeved coat that would hide the cast/sling on the worker's arm.
21. On or about February 11, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed an insurance-related investigation into an injured worker and their concerns about a paper trail showing that JM3 Construction LLC had made cash payments to the worker to dissuade the worker from filing a workers' compensation insurance claim.
22. On or about March 12, 2021, in a telephone conversation in New York County, Lawrence Wecker and JM3 Construction LLC Foreman-1 ("JM3 Foreman-1") discussed a bid on a project requiring certified payroll reports from JM3 Construction LLC. During the conversation, JM3 Foreman-1 stated in substance, "This is gonna become a whole thing. I don't know how we got away with it at Essex . . . At Essex, we had, whatever, forty guys on the job. But we only put seven or eight of Junior's guys on the certified payroll."

23. On or about March 23, 2021, Marcos Pinheiro cashed four sequentially numbered checks issued by JM3 Construction LLC to Franca General Construction, a shell company, each in the amount of \$35,000 (totaling \$140,000), at Check In Cash Out, a commercial check cashing business located in Newark, New Jersey
24. On or about March 31, 2021, in a telephone conversation, Lawrence Wecker directed a JM3 Construction LLC Foreman-2 (“JM3 Forman-2”) in substance, “If somebody gets hurt, if it’s minor, take him to urgent care, say it happened at home and we’ll pay him.” JM3 Foreman-2 responded in substance, “Like we always do.”
25. On or about April 19, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed issues that arose with respect to the check cashing being done by Marcos Pinheiro on behalf of JM3 Construction LLC. During the conversation, the JM3 President stated in substance, “Marcos’s guy ain’t giving us no money . . . we bounced a check on him last week.”
26. On or about April 21, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed obtaining cash from another check cashing source. During the conversation, Lawrence Wecker agreed to accept \$5000 in cash as his weekly payment.
27. On or about May 3, 2021, in a telephone conversation, Marcos Pinheiro and the JM3 President discussed the check cashing arrangement and the need for JM3 Construction LLC to “make payroll for these guys.”

28. On or about May 4, 2021, in a telephone conversation, the JM3 President told Lawrence Wecker in substance, "I hope Marcos' checks are all covered, made sure I had all the money in . . . gonna give him the other thing . . . hopefully Marcos is gonna bring the money today otherwise I don't know what I'm gonna do."
29. On or about May 4, 2021, in a telephone conversation, the JM3 President and Marcos Pinheiro agreed that Marcos Pinheiro would cash checks on behalf of JM3 Construction LLC and bring back \$140,000 in cash to cover JM3 Construction LLC's payroll and subcontractor cash payments.
30. On or about May 7, 2021, Marcos Pinheiro cashed four checks issued by JM3 Construction LLC to DRC General Construction LLC, a shell company, each in the amount of \$35,000 (totaling \$140,000), at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
31. On or about May 23, 2021, in a telephone conversation in New York County, Marcos Pinheiro told Lawrence Wecker that Marcos Pinheiro typically cashed \$140,000 per week for JM3 Construction LLC.
32. On or about May 23, 2021, in a telephone conversation in New York County, Lawrence Wecker told Marcos Pinheiro to meet with the JM3 President on Tuesday, May 25, 2021, to get checks that needed to be cashed.
33. On or about May 25, 2021, in a telephone conversation, Marcos Pinheiro agreed to cash checks on behalf of JM3 Construction LLC.

34. On or about May 25, 2021, Marcos Pinheiro cashed five checks issued by JM3 Construction LLC to DRC General Construction LLC, a shell company, which totaled \$160,000, at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
35. On or about May 31, 2021, in a telephone conversation, the JM3 President and Joseph Guinta discussed JM3 Construction LLC's payroll, including JM3 Construction LLC making its weekly payroll with \$75,000 in cash by eliminating the substantial cash payments to two subcontractors.
36. On or about June 14, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed payments to Joseph Guinta and JACG Construction LLC. The JM3 President stated in substance that he had given Joseph Guinta \$120,000 that week, which included "20,000 from the week before in cash."
37. On or about June 26, 2021, Joseph Guinta sent a text message to Lawrence Wecker, which stated, "44 guys on the job today and they close it at 2 pm no Jm3 foreman there either you will have to convert that to mandays."
38. On or about June 29, 2021, Joseph Guinta sent a text message to Lawrence Wecker, which stated, "Just a heads up I had 129 men and 16 mandays that's about 34000 please make sure I'm compensated properly."

39. On or about July 7, 2021, Joseph Guinta sent a text message to Lawrence Wecker, which stated, “I have 35 guys on Livonia 10 guys on scholes 10 guys on 108 st 6 guys 122<sup>nd</sup> st 12 guys col hgts 4 weeks behind on pay and got paid 33,000 last week and my payroll was 70000 who else in this company stuck here without pulling guys disgusting but not a surprise.”
40. On or about July 8, 2021, Joseph Guinta sent a text message to Lawrence Wecker, which stated, “My payroll for the week is 59830 without me taking a dime I’m sitting on 36500 from last again without me making a dime if I do not receive 110,000 that’s including the 36500 I have on Monday I will have to cut my man power drastically.”
41. On or about July 15, 2021, in a telephone conversation, Joseph Guinta told the JM3 President in substance, that JACG Construction LLC’s payroll for the week was \$100,000.
42. On or about July 27, 2021, in a telephone conversation, JM3 Construction LLC Foreman-3 (“JM3 Foreman-3”) told Lawrence Wecker that a worker suffered an injury on the project at 14 LeCount Place, New Rochelle, New York, requiring medical attention at a local hospital. Lawrence Wecker stated in substance, “Say he got cut at home and we’ll get the bill.”
43. On or about August 16, 2021, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.’s annual Premium Audit for the period of January 8, 2020, through January 8, 2021.



44. On or about August 26, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed using JM3 Construction LLC Foreman-4 (“JM3 Foreman-4”) to cash \$75,000 in checks, with Lisa Rossi getting \$4000 in cash.
45. On or about September 15, 2021, in a telephone conversation, Marcos Pinheiro told Lawrence Wecker in substance, that Marcos Pinheiro does not use MGS Construction Corp. to cash checks, but rather, writes smaller checks to other companies which are then cashed.
46. On or about September 15, 2021, Lawrence Wecker, Michael Speier, and Marcos Pinheiro agreed that JM3 Construction LLC would give \$20,000 in cash to an individual that supplied workers for Marcos Pinheiro and MGS Construction Corp.
47. On or about September 20, 2021, in a telephone conversation, Lawrence Wecker and a JM3 Construction LLC-affiliated labor broker (“Labor Broker-1”) discussed a worker who suffered an injury on the project at 14 LeCount Place, New Rochelle, New York. In response to a request that JM3 Construction LLC give the worker cash for the missed work due to his injury, Lawrence Wecker stated in substance, “Get the fuck outta here.”
48. On or about September 22, 2021, in a telephone conversation, Joseph Guinta told the JM3 President in substance, that JACG Construction LLC had 40 workers on the Vital Brookdale construction project.

49. On or about September 29, 2021, in a telephone conversation, Lawrence Wecker told Marcos Pinheiro to instruct his workers to identify themselves as JM3 Construction LLC employees because JM3 Construction LLC's client had discovered insurance issues related to MGS Construction Corp. and other JM3 Construction LLC subcontractors.
50. On or about October 12, 2021, in a telephone conversation, Lawrence Wecker told Marcos Pinheiro to instruct his workers to identify themselves as JM3 Construction LLC employees because MGS Construction Corp. no longer had an active workers' compensation insurance policy.
51. On or about November 9, 2021, in a series of telephone conversations in New York County, Lawrence Wecker stated in substance to Joseph Guinta, "It's the payroll . . . they got the check casher . . . Marcos [Pinheiro] is where [the JM3 President] got most of his money . . . and the Porches . . . people brought us back cash, sure they know where it all [came] from." Joseph Guinta agreed that JM3 Construction LLC obtained its cash through Marcos Pinheiro, stating in substance, "So did I for awhile . . . I'm sure it's a decent amount of money. I did it two years, maybe a year-and-a-half."

### **Pattern Act 3**

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants Lawrence Wecker, Michael Speier, Joseph Guinta, Lisa Rossi, JM3 Construction LLC, JACG Construction LLC, and LNR Construction LLC of the crime of **CONSPIRACY IN THE FIFTH DEGREE**, in violation of Penal Law § 105.05, committed as follows:

The defendants in the County of New York, and elsewhere, during the period from on or about May 3, 2016, to on or about November 9, 2021, with the intent that conduct constituting the felony of Falsifying Business Records in the First Degree be performed, agreed with each other and others to engage in and cause the performance of such conduct.

### **PREAMBLE**

The purpose of the conspiracy was to increase JM3 Construction LLC's business and revenues by falsifying business records related to the participation of M/WBE subcontractors and/or material suppliers. The JM3 CONSTRUCTION ENTERPRISE accomplished this in several ways, including: 1) using LNR Construction LLC as a pass-through on projects where the work was wholly performed by JM3 Construction LLC and non-M/WBE subcontractors, such as JACG Construction LLC; 2) falsifying business records to make it appear that Eco Geek Living, Inc., a New York State certified M/WBE firm, supplied materials and services to JM3 Construction LLC, when, in fact, the materials were supplied by Tri-State Lumber, Ltd., a non-M/WBE firm; and 3) falsifying business records to make it appear that JM3 Construction LLC contracted with Urban Strategies of New York, Inc., a New York State certified M/WBE firm, to perform work as a drywall/carpentry subcontractor, when, in fact, Urban Strategies of New York, Inc. was not a drywall/carpentry company and would receive a fee for allowing JM3 Construction LLC to list the company's name on a contract and other documents so that JM3 Construction LLC could obtain a lucrative construction contract for a project in New York County.

## OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, during the period from on or about May 3, 2016, to on or about November 9, 2021, the following overt acts, among others, were committed:

1. On or about May 3, 2016, the JM3 President emailed Lisa Rossi and LNR Construction LLC about Lisa Rossi signing the lease for LNR Construction LLC's purported office space, which would be paid by JM3 Construction LLC.
2. On or about May 19, 2016, the JM3 President emailed Lisa Rossi and LNR Construction LLC regarding setting up LNR Construction LLC's payroll with JM3 Construction LLC's payroll company.
3. On or about July 18, 2017, Lisa Rossi and LNR Construction LLC submitted a WBE application containing a false statement and false information to the New York State Empire Development Corp., in New York County.
4. On or about August 1, 2017, Lisa Rossi and the JM3 President executed a sham contract to make it appear that LNR Construction LLC would perform work as a JM3 Construction LLC subcontractor on the project located at 79 Avenue D in New York County.
5. On or about August 15, 2017, Joseph Guinta signed a purported subcontractor agreement between JACG Construction LLC and LNR Construction LLC on the Story Avenue East, Bronx, New York project.

6. On or about September 22, 2017, Lisa Rossi and LNR Construction LLC executed a New York State Homes and Community Renewal (“HCR”) affirmation of income document falsely attesting that LNR Construction LLC performed construction services for JM3 Construction LLC on the project at 79 Avenue D in New York County.
7. On or about September 22, 2017, JM3 Construction LLC Secretary-2 (“JM3 Secretary-2”) submitted the HCR affirmation of income document to GC-5 in connection with JM3 Construction LLC’s M/WBE commitment on the 79 Avenue D project in New York County.
8. On or about January 29, 2018, Lisa Rossi and LNR Construction LLC submitted documents containing false information to the New York State Empire Development Corp., in New York County.
9. On or about November 12, 2018, Lisa Rossi entered into a lease for 501 East 116<sup>th</sup> Street, #1, in New York County, for \$2500 per month. Lawrence Wecker was listed as a guarantor on the lease document.
10. On or about December 18, 2018, Michael Speier sent an email to Lisa Rossi, which identified a series of projects for which Michael Speier and JM3 Construction LLC prepared bid proposals in the name of LNR Construction LLC, including 350 East 18<sup>th</sup> Street, 149 West 19<sup>th</sup> Street, 1425 Fulton Street, 378 Broome Street, and 222 East 34<sup>th</sup> Street.

11. On or about March 22, 2019, Lisa Rossi and LNR Construction LLC executed a HCR affirmation of income document falsely attesting that LNR Construction LLC performed construction services for JM3 Construction LLC on the project at 79 Avenue D in New York County.
12. On or about March 26, 2019, JM3 Secretary-2 submitted the HCR affirmation of income document to GC-5 in connection with JM3 Construction LLC's M/WBE commitment on the project.
13. On or about April 2, 2019, Lisa Rossi executed a HCR affirmation of income document falsely attesting that LNR Construction LLC performed construction services for JM3 Construction LLC on the Via Vyse project located at 1812 Vyse Avenue, Bronx, New York.
14. On or about June 12, 2019, Lisa Rossi sent an email addressed to "Larry," which stated in substance, "I have been stressed and scared where I get to the point that I'm in a rage not good for me or you . . . but I don't feel comfortable with writing large \$ amount checks I have you told you this in the past, I want to understand it a little more but not today bad day, and I've said numerous times. I have so much going on I didn't file my taxes, still did not complete LNR's workers comp audit I guess its just a build up of me being scared."
15. On or about August 2, 2019, JM3 Construction LLC sent an email to Lisa Rossi titled "Yearly Project List," which contained a list of the JM3 Construction LLC projects in which JM3 Construction LLC used LNR Construction LLC as a WBE pass-through.

16. On or about November 5, 2019, Lisa Rossi sent a reply to the above-referenced email, which stated in substance, “LNR accountant is asking for \$ contract amount for the below projects per year Vyse is listed twice? I have to give him dollar amounts, when job started and when job was completed. As well as who was awarded project contracts and Owners. Please call me tomorrow we can go over.”
17. On or about February 7, 2020, Lawrence Wecker emailed GC-5’s M/WBE compliance officers regarding JM3 Construction LLC’s M/WBE commitment on the 14 LeCount Place, New Rochelle, New York project. Lawrence Wecker stated in substance, “We will be using the following entities towards our M/WBE goal:
- MGS Construction Corp. (MBE) - \$3,000,000
- LNR Construction, LLC (WBE) - \$2,000,000.”
18. On or about February 22, 2020, the JM3 Construction LLC email account sent an email to Lawrence Wecker listing the documents needed for Lisa Rossi and LNR Construction LLC to complete its WBE application.
19. On or about January 16, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed the arrangement with Lisa Rossi and LNR Construction LLC, during which Lawrence Wecker stated in substance, that JM3 Construction LLC was paying Lisa Rossi \$2500 per week because they were falsely listing her as a WBE subcontractor on the 14 LeCount Place, New Rochelle, New York project.

20. On or about February 22, 2021, in a telephone conversation, Lawrence Wecker stated in substance to a business associate, “We rented a little office in Harlem . . . that woman, Lisa, the woman we hooked up with, we have a W/MBE, have to have another office, moved our project manager into there and that’s for me, and I have a place, paying \$2500 per month.”
21. On or about March 2, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed the need to falsify documents showing that JM3 Construction LLC was using a WBE subcontractor on a project. Lawrence Wecker stated in substance, “I’m gonna call Leah [Guttman from Tri-State Lumber, Ltd.] . . . Leah is a little on the shady side, maybe use one of her companies to give them framing and metal.”
22. On or about March 2, 2021, in a telephone conversation in New York County, Lawrence Wecker, Leah Guttman, and co-conspirator-1 (“CC-1”) discussed setting up a pass-through arrangement with Eco Geek Living, Inc. to make it appear that Eco Geek Living, Inc. was a subcontractor on a JM3 Construction LLC project, thereby enabling JM3 Construction LLC to claim M/WBE participation credit.
23. On or about March 2, 2021, in a telephone conversation, Lawrence Wecker stated in substance to LaShawn Henry, “Send me a copy of your certificate . . . I’m gonna use it with L+M . . . going to put you down as a taping contractor, we’ll sit down and work out a good thing.”



24. On or about April 9, 2021, in a telephone conversation in New York County, Lawrence Wecker and Leah Guttman discussed Tri-State Lumber, Ltd.'s payment arrangement with Eco Geek Living, Inc. Leah Guttman stated in substance, "I pay her a percentage, just her for the billing . . . you call me for the material, we just bill it through her . . . we typically pay her 3%."
25. During the same conversation, Lawrence Wecker, in discussing how JM3 Construction LLC would need to show the payments to Eco Geek Living, Inc. to receive the M/WBE participation credit, stated in substance, "I gotta give her a check, and she turns around and gives me a check."
26. On or about April 12, 2021, in a telephone conversation with Shamsuddin Riza, Lawrence Wecker agreed to prepare a false business record stating that Shamsuddin Riza's company, United Construction Brothers Services LLC, had performed drywall second-tier subcontracting work for JM3 Construction to enable United Construction Brothers Services LLC to be approved as a subcontractor for General Contractor-4 ("GC-4"). During the conversation, Shamsuddin Riza stated in substance, "You can say Jersey, you can say we used them in Jersey. And we used them for some corrective work on Park Avenue, in the Bronx or West Bumblefuck – I don't care. I'm in the door. I'm not interested in Brooklyn, I made that very clear."

27. On or about April 21, 2021, in a telephone conversation in New York County, Lawrence Wecker stated in substance to Lisa Rossi, “You don’t do shit. Waiting for you for five years for you to get your fucking state license . . . you had money coming in without doing fucking nothing.”
28. On or about April 22, 2021, in a telephone conversation, Lawrence Wecker and JM3 Construction LLC Secretary-1 (“JM3 Secretary-1”) identified the JM3 Construction LLC workers whom they placed on LNR Construction LLC’s payroll to make it appear that LNR Construction LLC had an active payroll for WBE certification purposes.
29. On or about April 22, 2021, in a telephone conversation, Lisa Rossi stated in substance to Lawrence Wecker, “Stop telling people I’m an owner. I’m a pass-through.”
30. On or about April 22, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed the pass-through arrangement among JM3 Construction, Tri-State Lumber, Ltd., and Eco Geek Living, Inc.. Lawrence Wecker stated in substance, “We’ll buy from Leah [Guttman], and do the billing through her, through Eco Geek . . . Leah said [Eco Geek Living, Inc. will] ask for 3%, try to get her down to 2, which will be about 30 grand.”

31. On or about April 22, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed the potential pass-through arrangement between JM3 Construction LLC and Eco Geek Living, Inc. Lawrence Wecker stated in substance, “Gotta use [Eco Geek Living, Inc.] for labor . . . give her a check for \$100,000, which she has to give back to us to cover the labor . . . We could set [Eco Geek Living, Inc.] up with a payroll, we’d have to give her a check like you do with Lisa [Rossi].”
32. On or about April 22, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier agreed to create a sham contract to make it appear that Eco Geek Living, Inc. had a \$1.5 million contract to perform drywall work as a JM3 Construction LLC subcontractor on the Vital Brookdale project in Brooklyn.
33. On or about May 27, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed the National Urban League Project in New York County, including JM3 Construction LLC’s potential use of several different certified M/WBE companies as pass-throughs, including Eco Geek Living, Inc. and Urban Strategies of New York, Inc.
34. On or about June 4, 2021, in a telephone conversation, Lawrence Wecker and Lisa Rossi discussed Lawrence Wecker’s use of LNR Construction LLC on a project connected to a developer scheduled to serve a prison sentence. Lawrence Wecker stated in substance, “I used your name, made you some money.”
35. On or about June 15, 2021, in a telephone conversation, Lawrence Wecker and LaShawn Henry discussed the fact that neither she nor Urban Strategies of New York, Inc. performs “framing” work.

36. On or about June 15, 2021, in a telephone conversation, Lawrence Wecker stated in substance to LaShawn Henry, “I need you to just show as the contractor . . . I’ll give you the framing, don’t need your labor, need you to be the owner of the company.”
37. On or about June 16, 2021, in a telephone conversation, Lawrence Wecker and LaShawn Henry discussed certain insurance paperwork that was necessary so JM3 Construction LLC could falsely list Urban Strategies of NY, Inc. as a subcontractor. When LaShawn Henry asked what kind of work Urban Strategies of NY, Inc. would purportedly perform, Lawrence Wecker stated in substance, “Framing, don’t worry, we’ll make it up.”
38. On or about July 1, 2021, in a telephone conversation, Lawrence Wecker told LaShawn Henry that she may receive a telephone call from a GC-5 Project Manager regarding the National Urban League project. Lawrence Wecker stated in substance, “This guy . . . may call you, he’s the [Project Manager] on 125<sup>th</sup> Street . . . I told him we did a lot of work, do work together, do my framing and sheetrocking, and you and I will sit down and work it all out.”
39. On or about July 14, 2021, in a telephone conversation, Lawrence Wecker and Lisa Rossi discussed the JM3 Construction LLC employees who were placed on LNR Construction LLC’s payroll. Lisa Rossi stated in substance, “I need the payroll until I get approved for WBE . . . if they’re your guys and you’re paying them anyway, what is the big deal . . . I need to have a payroll.”

40. On or about July 16, 2021, in a telephone conversation, Lawrence Wecker and LaShawn Henry discussed JM3 Construction LLC fraudulently listing Urban Strategies of New York, Inc. as a subcontractor on a project for GC-4. During the conversation, Lawrence Wecker stated in substance, “I don’t want to get you in trouble, but I mean, I gotta give money to, you know, I would, it’s a nice piece of change . . . I’ll tell them you. Cause I was gonna give them like a million-and-a-half dollars [of M/WBE participation], which I would’ve gave that woman 30 grand, you know.”
41. On or about July 17, 2021, in a telephone conversation, the JM3 President and Joseph Guinta discussed JM3 Construction LLC’s need to make deals with M/WBE pass-through companies. The JM3 President stated in substance, “All these girls in the office, why didn’t we open a company for them with this woman shit . . . we depended on Lisa, she never came through . . . now [Lawrence Wecker] wants to use Eco Geek, but they have no insurance.”
42. On or about July 21, 2021, Michael Speier sent an email to several GC-5 executives which stated in substance, “Below is a list of the Minority contributions we can commit to for the National Urban League project . . . JM3 can commit to providing \$1,500,000 of labor thru a black owned minority contractor. This will be provided thru our framing, drywall and taping sub-contractor ‘Urban [Strategies] of New York Inc. . . . JM3 can commit to providing \$500,000 of material from a women owned minority supplier. This will be provided by purchasing our drywall through Ecogeek.”

43. On or about July 27, 2021, in a telephone conversation, Lawrence Wecker and Lisa Rossi discussed cash payments from JM3 Construction LLC to Lisa Rossi. Lawrence Wecker stated in substance, “The \$2500 was based on you having a job [JM3 Construction LLC] was paying you off . . . On LeCount, we were using you over there as a lady,” a reference to being a WBE subcontractor.
44. On or about August 13, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed falsifying business records to make it appear that Urban Strategies of NY, Inc. was an actual drywall subcontractor and had employees. During the conversation, Lawrence Wecker stated in substance, “LaShawn or somebody else that’s black, you know, has like, we give her a contract to do some work, which is, you know, bullshit. But they’ve got to be, actually, on her payroll . . . we have to give her, like, uh, a couple of workers.”
45. On or about August 17, 2021, Lawrence Wecker met with LaShawn Henry and Brittany Henry in New York County to discuss the National Urban League pass-through arrangement.
46. On or about August 26, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed the pass-through arrangement with Eco Geek Living, Inc. and the potential need to create a payroll for Eco Geek Living, Inc. to meet the M/WBE compliance requirements of JM3 Construction LLC’s client. The JM3 President stated in substance, “I’ll get the checks. Joe Guinta will give me five guys, Peter will give me five guys” to place on a payroll for Eco Geek Living, Inc.

47. On or about August 30, 2021, Lawrence Wecker sent an email titled “Eco Geek Contract” to a GC-4 executive/manager. Attached to the email were the following: a fraudulent contract between JM3 Construction LLC and Eco Geek Living, Inc., dated May 4, 2021, in the amount of \$1,624,000; a JM3 Construction LLC scope of work document, which described Eco Geek Living, Inc. as both a labor subcontractor and materials supplier; and Eco Geek Living, Inc.’s M/WBE certificates.
48. On or about September 9, 2021, in a telephone call with Michael Speier, Lawrence Wecker stated in substance, “I’ve got to get LaShawn insurance. You know, get her the cheapest insurance, but I’ll get her insurance and we’ll set her up with, you know, with Abel payroll, like, you know. We’ll put our guys on her payroll.”
49. On or about September 9, 2021, Michael Speier sent a text message to the JM3 President, which stated, “Got national urban league job!!”
50. On or about September 18, 2021, in a telephone conversation with the JM3 President, Michael Speier stated in substance, “We got the award paperwork for National Urban League . . . You’re gonna have to get a little bit involved in that with the girl, LaShawn . . . so, basically, we’re going to have to use her to pay our subs.”
51. On or about September 27, 2021, JM3 Secretary-2 emailed GC-5’s M/WBE Compliance Director. Attached to the email was an executed National Urban League M/WBE commitment form, which listed Urban Strategies of New York, Inc. as a WBE labor subcontractor with a \$1,500,000 award amount, and Eco Geek Living, Inc. as a WBE material supplier with a \$500,000 award amount.

**Pattern Act 4**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses defendants Marcos Pinheiro and MGS Construction Corp. of the crime of **INSURANCE FRAUD IN THE FIRST DEGREE**, in violation of Penal Law § 176.30, committed as follows:

The defendants, in the County of New York, during the period from on or about January 8, 2015, to on or about November 9, 2021, committed a fraudulent insurance act and thereby wrongfully took, obtained and withheld, and attempted to wrongfully take, obtain, and withhold property with a value in excess of one million dollars from the New York State Insurance Fund.

**Pattern Act 5**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **GRAND LARCENY IN THE SECOND DEGREE**, in violation of Penal Law § 155.40(1), committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about June 13, 2021, to on or about August 20, 2021, stole property having a value in excess of fifty thousand dollars from a subcontractor (“Subcontractor-1”), in that the defendants, as trustees of a trust arising out of New York State Lie Law Article 3-A, violated New York State Lien Law § 79-a(1)(b) in that they misappropriated the funds of such trust when they received funds as a contractor and failed to pay within thirty-one days the undisputed trust claims.



**Pattern Act 6**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about June 30, 2021, to on or about September 30, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-1, to wit, requisition payment affirmations.

**Pattern Act 7**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime **ATTEMPTED GRAND LARCENY IN THE SECOND DEGREE**, in violation of Penal Law § 110/155.40(1), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about February 24, 2021, to on or about June 12, 2022, attempted to steal property from General Contractor-2 (“GC-2”), and the value of the property exceeded fifty thousand dollars.

**Pattern Act 8**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime **COMMERCIAL BRIBING IN THE FIRST DEGREE**, in violation of Penal Law § 180.08, committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about February 24, 2021, to on or about June 12, 2022, conferred benefits exceeding one thousand dollars upon an employee of GC-2 without the consent of his employer, GC-2, with the intent to influence his conduct in relation to GC-2's affairs and thereby caused economic harm to GC-2 and its client in excess of two hundred fifty dollars.

**Pattern Act 9**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **CONTRACT OR AGREEMENT FOR MONOPOLY OR IN RESTRAINT OF TRADE** in violation of General Business Law §§ 340(1) and 341, committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about February 24, 2021, to on or about May 6, 2021, knowingly entered into or attempted to enter into a contract, agreement, or combination in unreasonable restraint of trade and competition, relating to contracting services for GC-2.

### **Pattern Act 10**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Lawrence Wecker, Michael Speier, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime of SCHEME TO DEFRAUD IN THE FIRST DEGREE, in violation of Penal Law § 190.65(1)(b), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about May 3, 2016, to on or about November 9, 2021, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person, to wit, multiple general contractor firms, including General Contractor-3 (“GC-3”), General Contractor-4 (“GC-4”), and General Contractor-5 (“GC-5”), and government entities, including HCR and New York City Housing Preservation and Development (“HPD”), by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one or more such persons.

### **Pattern Act 11**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about January 2, 2019, to on or about October 1, 2019, with intent to defraud, and to commit another

crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, GC-3, to wit, minority-owned and women-owned business enterprise (“M/WBE”) compliance audit documents.

**Pattern Act 12**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about January 11, 2019, knowing that a written instrument, to wit, a New York City Housing Preservation and Development (“HPD”) M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

Pattern Act 13

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about April 16, 2019, knowing that a written instrument, to wit, a New York City Housing Preservation and Development (“HPD”) M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

Pattern Act 14

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about January 2, 2019, knowing that a written instrument, to wit, a New York State Homes and Community Renewal

("HCR") M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

**Pattern Act 15**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about March 26, 2019, knowing that a written instrument, to wit, a New York State Homes and Community Renewal ("HCR") M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

**Pattern Act 16**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about July 1, 2019, knowing that a written instrument, to wit, a New York State Homes and Community Renewal (“HCR”) M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

**Pattern Act 17**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about September 27, 2019, to on or about October 1, 2019, knowing that a written instrument, to wit, a New York State Homes and Community Renewal (“HCR”) M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

**Pattern Act 18**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about August 18, 2021, to on or about August 30, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-4, to wit, subcontract and payment records associated with Eco Geek Living, Inc.



Pattern Act 19

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about September 27, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-5, to wit, National Urban League Workforce and Contractor Diversity document.

Pattern Act 20

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about July 18, 2017, to on or about August 3, 2017, knowing that a written instrument, to wit, a New York State Empire Development Corp. WBE application, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered

and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

**Pattern Act 21**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about July 18, 2017, to on or about August 3, 2017, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, the New York State Empire Development Corp., to wit, a WBE application.

**Pattern Act 22**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about January 29, 2018, knowing that a written instrument, to wit, LNR Construction LLC payroll reports, contained a false statement and false information, and with intent to defraud the state and any political subdivision,

public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

**Pattern Act 23**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, January 29, 2018, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, the New York State Empire Development Corp., to wit, LNR Construction LLC payroll reports.

**Pattern Act 24**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about October 20, 2021, knowing that a written instrument, to wit, a New York State Empire Development Corp. WBE application, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

**Pattern Act 25**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about October 20, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, the New York State Empire Development Corp., to wit, a WBE application.

Pattern Act 26

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about September 22, 2017, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-5, to wit, a New York State Homes and Community Renewal affirmation of income document regarding the project at 79 Avenue D in New York County.

Pattern Act 27

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, from on or about March 22, 2019, to on or about March 26, 2019, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-5, to wit, a New York State Homes and Community Renewal affirmation of income document regarding the project at 79 Avenue D in New York County.

**Pattern Act 28**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law §175.10, committed as follows:

The defendants, in the County of New York, from on or about April 2, 2019, to on or about April 4, 2019, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, LNR Construction LLC, to wit, a New York State Homes and Community Renewal affirmation of income document regarding the Via Vyse project in Bronx County.

**Pattern Act 29**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Joseph Guinta, Lisa Rossi, JACG Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York, on or about August 15, 2017, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, LNR Construction LLC, to wit, a

purported subcontractor agreement between JACG Construction LLC and LNR Construction LLC on the Story Avenue East project in Bronx County.

**Pattern Act 30**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime **ATTEMPTED GRAND LARCENY IN THE SECOND DEGREE**, in violation of Penal Law § 110/155.40(1), committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about October 1, 2021, to on or about October 18, 2021, attempted to steal property from General Contractor-5, and the value of the property exceeded fifty thousand dollars.

**Pattern Act 31**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about October 1, 2021, to on or about October 18, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-5, to wit, a construction subcontract.

**Pattern Act 32**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **ATTEMPTED GRAND LARCENY IN THE SECOND DEGREE**, in violation of Penal Law § 110/155.40(1), committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about September 14, 2021, to on or about November 8, 2021, attempted to steal property from LMV II 885 WASHINGTON HOLDINGS, and the value of the property exceeded fifty thousand dollars.

**Pattern Act 33**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about March 28, 2018, to on or about October 31, 2018, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-1, to wit, certified payroll reports related to the construction project at 200 East 95<sup>th</sup> Street in New York County.



**Pattern Act 34**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about January 2, 2019, to on or about February 4, 2020, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-1, to wit, certified payroll reports related to the construction project at 543 West 122<sup>nd</sup> Street in New York County.

**Pattern Act 35**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about March 12, 2021, to on or about May 12, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor- 6, to wit, sign-in sheets related to the construction project at 143-151 West 108<sup>th</sup> Street in New York County.

Pattern Act 36

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendant Lawrence Wecker of the crime **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE**, in violation of Penal Law § 265.03(3), an armed felony, committed as follows:

The defendant, in the County of New York, on or about November 9, 2021, possessed a loaded firearm.

Pattern Act 37

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendant Lawrence Wecker of the crime **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE**, in violation of Penal Law § 265.02(1), committed as follows:

The defendant, in the County of New York, on or about November 9, 2021, possessed a firearm.

Pattern Act 38

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about January 6, 2021, to on or about January 21, 2021, with intent to defraud, and to commit another

crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing Vital Brookdale and Nuel Construction LLC labor.

**Pattern Act 39**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about May 12, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, Application of Payment Document referencing Vital Brookdale and DRC General Construction LLC labor.

**Pattern Act 40**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about March 10, 2021, to on or about April 7, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing Vital Brookdale and Franca General Construction LLC labor.

**Pattern Act 41**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or June 3, 2020, to on or about August 19, 2020, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing West 108<sup>th</sup> Street and Dussan General Construction LLC labor.

Pattern Act 42

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about January 27, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing West 108<sup>th</sup> Street and Nuel Construction LLC labor.

Pattern Act 43

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about April 7, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing West 108<sup>th</sup> Street and Franca General Construction LLC labor.

**Pattern Act 44**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about December 2, 2019, to on or about March 4, 2020, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing West 108<sup>th</sup> Street and RSR General Construction LLC labor.

**Pattern Act 45**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about June 24, 2020, to on or about September 26, 2020, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing MMP White Plains and Dussan General Construction LLC labor.

**Pattern Act 46**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about November 11, 2020, to on or about February 17, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing MMP White Plains and Nuel Construction LLC labor.

**Pattern Act 47**

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about April 15, 2021, to on or about May 27, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing Vital Brookdale and Glenn-Well-Drywall-Carpentry labor.

Pattern Act 48

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp., of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York, on or about May 20, 2019, with intent to defraud and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, to wit, the New York State Insurance Fund, related to MGS Construction Corp.'s "Premium Audit" for the period January 8, 2018, through January 8, 2019.

Pattern Act 49

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp., of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:



The defendants, in the County of New York, on or about September 10, 2020, with intent to defraud and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, to wit, the New York State Insurance Fund, related to MGS Construction Corp.'s "Premium Audit" for the period January 8, 2019, through January 8, 2020.

**Pattern Act 50**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp., of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York, on or about August 16, 2021, with intent to defraud and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, to wit, the New York State Insurance Fund, related to MGS Construction Corp.'s "Premium Audit" for the period January 8, 2020, through January 8, 2021.

**Pattern Act 51**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses defendants Joseph Guinta and JACG Construction LLC of the crime of **INSURANCE FRAUD IN THE SECOND DEGREE**, in violation of Penal Law § 176.25, committed as follows:

The defendants, in the County of New York, during the period from on or about June 2, 2017, to on or about May 6, 2022, committed a fraudulent insurance act and thereby wrongfully took, obtained and withheld, and attempted to wrongfully take, obtain, and withhold property with a value in excess of fifty thousand dollars from the New York State Insurance Fund.

**Pattern Act 52**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime of **MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about February 6, 2015, to on or about November 9, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of any such felony, with intent to promote the carrying on of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

**Pattern Act 53**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime of

**MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, on or about March 5, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of any such felony, with intent to promote the carrying on of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

**Pattern Act 54**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp. of the crime of **MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about January 12, 2015, to on or about November 9, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of any such felony, with intent to promote the carrying on of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

**Pattern Act 55**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp. of the crime of **MONEY LAUNDERING IN THE THIRD DEGREE**, in violation of Penal Law § 470.10(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, on or about May 7, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of any such felony, with intent to promote the carrying on of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded fifty thousand dollars.

**Pattern Act 56**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp. of the crime of **MONEY LAUNDERING IN THE THIRD DEGREE**, in violation of Penal Law § 470.10(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, on or about August 17, 2019, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of any such felony, with intent to promote the carrying on of specified criminal

conduct, and the total value of the property involved in such financial transactions exceeded fifty thousand dollars.

**Pattern Act 57**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Joseph Guinta, Marcos Pinheiro, and JACG Construction LLC of the crime of **MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about August 29, 2017, to on or about November 9, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of any such felony, with intent to promote the carrying on of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

**Pattern Act 58**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Joseph Guinta, Marcos Pinheiro, and JACG Construction LLC of the crime of **MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about April 4, 2019, to on or about October 23, 2019, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of any such felony, with intent to promote the carrying on of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

SECOND COUNT:

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime of **CONSPIRACY IN THE FOURTH DEGREE**, in violation of Penal Law § 105.10(1), committed as follows:

The defendants in the County of New York, and elsewhere, during the period from on or about June 23, 2020, to on or about June 12, 2022, with the intent that conduct constituting Grand Larceny in the Second Degree, a class C felony, be performed, agreed with each other and others to engage in and cause the performance of such conduct.

## PREAMBLE

It was the ultimate purpose of the conspiracy for JM3 Construction LLC, JACG Construction LLC, and other co-conspirators to steal money from clients and subcontractors. The conspirators achieved the ends of the conspiracy in several ways, including: 1) Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, JACG Construction LLC, and others falsified business records and documents, including creating fraudulent, inflated contracts, to steal monies from clients; 2) Lawrence Wecker, Michael Speier, JM3 Construction LLC, and others, made false representations to clients and subcontractors concerning the payment (or non-payment) of subcontractors, and stole money due to said subcontractors, including on a New York County project; and, 3) Lawrence Wecker, Michael Speier, JM3 Construction LLC, and others, directed Tri-State Lumber, Ltd. to file a fraudulent lien seeking payment from a JM3 Construction LLC client for materials which had already been paid in full, with the intention that the stolen money would cover debts owed on other projects.

## OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, during the period from on or about June 23, 2020, to on or about June 12, 2022, the following overt acts, among others, were committed:

1. On or about June 23, 2020, Michael Speier executed a contract on behalf of JM3 Construction LLC with Subcontractor-1 in the amount of \$575,000 for the project located at 150 East 78<sup>th</sup> Street in New York County (“the East 78<sup>th</sup> Street project”).

2. On or about February 24, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed the JM3 Construction LLC submitting a bid to General Contractor-2 (“GC-2”) for the project located at 55 Union Street, Newark, New Jersey (“55 Union Street project”). During the conversation, Lawrence Wecker stated in substance, that he would be meeting with Adrian Esparragoza, the GC-2 executive overseeing the project, to “get the real number and see what’s in it for him.”
3. On or about February 25, 2021, Lawrence Wecker met with Adrian Esparragoza at a restaurant in Staten Island, New York, to discuss the project.
4. On or about March 18, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed JM3 Construction LLC’s bid on the 55 Union Street project, including their promise to pay Adrian Esparragoza a \$50,000 bribe, which would be contained in their project award, and charged to GC-2 and GC-2’s client.
5. On or about March 19, 2021, in a telephone conversation, Lawrence Wecker and Adrian Esparragoza discussed JM3 Construction LLC’s bid price, which included the \$50,000 bribe.
6. On or about March 24, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed JM3 Construction LLC’s bid on the 55 Union Street project. Lawrence Wecker stated in substance, “Adrian said he’s gonna push for more, all in for like \$9.6 million.”



7. On or about March 24, 2021, in a telephone conversation in New York County, Lawrence Wecker and Adrian Esparragoza discussed the progress of the bidding process. During the conversation, Lawrence Wecker stated in substance, “When I sign the contract, I’ll give you the first part of the other thing.”
8. On or about June 30, 2021, the JM3 President submitted a fraudulent Trade Contractor’s Sworn Statement to General Contractor-1 (“GC-1”), which failed to identify Subcontractor-1 as a subcontractor on the East 78<sup>th</sup> Street project.
9. On or about July 6, 2021, JM3 Construction LLC issued a check to Subcontractor-1 for work performed on the East 78<sup>th</sup> Street project, which was returned for insufficient funds.
10. On or about July 23, 2021, the JM3 President submitted a fraudulent Trade Contractor’s Sworn Statement to GC-1, which failed to identify Subcontractor-1 as a subcontractor on the East 78<sup>th</sup> Street project.
11. On or about August 6, 2021, JM3 Construction LLC issued a check to Subcontractor-1 for work performed on the East 78<sup>th</sup> Street project, which was returned for insufficient funds.
12. On or about August 13, 2021, JM3 Construction LLC issued a series of checks to Subcontractor-1 for work performed on the East 78<sup>th</sup> Street project, all of which were returned for insufficient funds.
13. On or about August 20, 2021, JM3 Construction LLC issued a \$100,000 check to Subcontractor-1 for work performed on the East 78<sup>th</sup> Street project, which was returned for insufficient funds.

14. On or about August 25, 2021, in a telephone conversation, Lawrence Wecker stated in substance to JM3 Construction LLC Foreman-5 (“JM3 Foreman-5”), “They gave me money last week for [Subcontractor-1], got me the [requisition], I kept it. I was supposed to give the kid \$100,000, I didn’t give it to him . . . [the JM3 President] took \$150,000 out of the account to pay himself back.”
15. On or about August 30, 2021, in a telephone conversation, Lawrence Wecker told Michael Speier in substance, “I told [the GC-1 executive in charge of the East 78<sup>th</sup> Street project] we took the money. Not gonna lie to him, he knew it was in the [requisition].”
16. On or about August 31, 2021, the JM3 President submitted a fraudulent Trade Contractor’s Sworn Statement to GC-1, which failed to identify Subcontractor-1 as a subcontractor on the East 78<sup>th</sup> Street project.
17. On or about September 13, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed the 55 Union Street project’s contract amount, including the inflation of the contract to cover the bribe payment to Adrian Esparragoza. Michael Speier stated in substance, “Have that \$400,000 allowance line item . . . [Adrian’s money] is in the 400 grand . . . it’s built into that \$400,000 . . . [Adrian] said change it to general conditions. Can bill it every month, some miscellaneous bullshit we can make up and bill towards it.”

18. On or about September 14, 2021, in a telephone conversation in New York County, Lawrence Wecker told Leah Guttman of Tri-State Lumber, Ltd. to file a lien on a project in Stamford, Connecticut, a project for which JM3 Construction LLC did not owe Tri-State Lumber, Ltd. money.
19. On or about September 14, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed the fraudulent lien to be filed by Tri-State Lumber, Ltd.
20. On or about September 15, 2021, in a telephone conversation, Lawrence Wecker and Leah Guttman discussed the amount of the fraudulent lien that Tri-State Lumber, Ltd. would file. During the conversation, Leah Guttman stated in substance, “The lien for Stamford, Connecticut, we’re putting today . . . I told her to put \$322,000 . . . You only bought for \$222,000, but whatever we get, we’ll update you.”
21. On or about September 30, 2021, Joseph Guinta sent an email to a General Contractor-5 (“GC-5”) executive regarding GC-5 making payments to JACG Construction LLC for subcontractor work done for JM3 Construction LLC. Attached to the email was a subcontractor agreement between JM3 Construction LLC and JACG Construction LLC with a listed contract price of \$815,000, dated January 4, 2021.
22. On or about October 1, 2021, in a telephone conversation, Michael Speier stated in substance to Lawrence Wecker, “I think we should walk off the [GC-5] jobs . . . we can increase [Joseph Guinta’s] Livonia number, [GC-5] will be on the hook for it.”

23. On or about October 4, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed “working up a big contract” and “bumping up” the subcontract between JM3 Construction LLC and Joseph Guinta/JACG Construction LLC related to the project at 14 LeCount Place, New Rochelle, New York.
24. On or about October 5, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed inflating the above-mentioned subcontract between JM3 Construction LLC and JACG Construction LLC by \$100,000. Michael Speier stated in substance, “Well, Joe [Guinta] already told [the GC-5 executive] that his contract is \$100,000 more than what it is . . . so, I’ll change Joe’s contract, the one we have written up, to \$815,000.”
25. During the same conversation, Michael Speier and Lawrence Wecker discussed inflating the contract for Marcos Pinheiro and MGS Construction Corp. Lawrence Wecker stated in substance, “Yeah, you can raise Marcos’s a little bit.”
26. On or about October 5, 2021, in a telephone conversation in New York County, Michael Speier stated in substance to Lawrence Wecker, “[The GC-5 executive] wants me to send him the contracts for JACG, the contracts for MGS . . . Joe [Guinta] already sent his to [the GC-5 executive] and he made it \$100,000 more . . . I mean, I can’t make, you know what I mean, I can make everybody else’s more and more. But, eventually, it’s gonna look, I can’t make it look too crazy . . . Like, I’ve got Joe here, like Guinta’s here sitting in my office. And he’s like, ‘Come on, let’s do this, let’s send this.’ And I told him, I said, ‘Joe, I’m not doing a fucking thing until I speak to Larry.’”

27. On or about October 5, 2021, in a telephone conversation in New York County, Lawrence Wecker and Leah Guttman discussed creating fictitious invoices to submit to GC-5. During the conversation, Leah Guttman stated in substance, “LeCount you paid me everything already . . . do you want to try to squeeze out money from them?”
28. On or about October 6, 2021, in a telephone conversation in New York County, Michael Speier stated in substance to Lawrence Wecker, that he could not inflate Marcos Pinheiro’s contract by \$100,000 because JM3 Construction LLC and MGS Construction Corp. had “been doing the payroll reports, they have his contract, don’t want to get caught lying.”
29. On or about October 7, 2021, in a telephone conversation in New York County, Michael Speier stated in substance to Lawrence Wecker, “Joe’s [Guinta] contract there we bumped up by 100 grand and it’s good . . . there’s an extra \$100,000 there that Joe is gonna get paid and you can take off on money we owe somewhere else . . . Marcos [Pinheiro’s], I couldn’t increase his number because he’s on the payroll reports.”
30. On or about October 7, 2021, in a telephone conversation in New York County, Lawrence Wecker and Joseph Guinta discussed the inflated JM3 Construction LLC/JACG Construction LLC contract. During the conversation, Joseph Guinta stated in substance, “Well, we added money, but we told him the lobby was separate just to hedge our bets.”

31. On or about October 13, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed falsifying documents in an attempt to have a client pay a different JM3 Construction LLC subcontractor. Michael Speier stated in substance, “Yeah, I can do that. I can create invoices for deliveries and stuff like that, I can do that. I just want to look back, I want to go like back dates. I want to backdate them a little bit, you know, like those they sent to us.”
32. On or about October 18, 2021, in a telephone conversation in New York County, Michael Speier told Lawrence Wecker, “78<sup>th</sup> is not our fault. I mean, we did move some money around to keep shit moving, but they run a job like shit.”
33. On or about November 6, 2021, in a telephone conversation, Michael Speier and the JM3 President discussed the influence JM3 Construction LLC had over Adrian Esparragoza due to the inflated contract that included the bribe payment.
34. On or about November 11, 2021, in a telephone conversation, Lawrence Wecker and Joseph Guinta discussed transferring the 55 Union Street project contract from JM3 Construction LLC to JACG Construction LLC. During the conversation, Lawrence Wecker stated in substance, “You know, there’s \$400,000 that’s not ours, that belongs back to the job. Michael [Speier] can explain it to you . . . like a little side pocket.”

COUNT THREE:

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants Lawrence Wecker, Michael Speier, Joseph Guinta, Marcos Pinheiro, JM3 Construction LLC, JACG Construction LLC, and MGS Construction Corp. of the crime of **CONSPIRACY IN THE FIFTH DEGREE**, in violation of Penal Law § 105.05(1), committed as follows:

The defendants in the County of New York, and elsewhere, during the period from on or about January 12, 2015, to on or about November 9, 2021, with the intent that conduct constituting the felonies of Falsifying Business Records in the First Degree and Money Laundering in the Third Degree be performed, agreed with each other and others to engage in and cause the performance of such conduct.

## PREAMBLE

The JM3 CONSTRUCTION ENTERPRISE directed and operated a large, weekly and unreported cash payroll, which included payments to Lawrence Wecker, the JM3 President, JM3 Construction LLC employees, and JM3 Construction LLC subcontractors, including JACG Construction LLC and MGS Construction Corp. It was the purpose of the conspiracy for Lawrence Wecker, Michael Speier, Joseph Guinta, Marcos Pinheiro, JM3 Construction LLC, JACG Construction LLC, MGS Construction Corp., and others, to engage in money laundering and to falsify business records related to the check cashing scheme that generated the cash to fund the companies' payrolls and other cash payments, and to falsify business records regarding workers, in particular, cash payroll worker injuries. The conspirators also falsified payroll reports and other business records to cover up the respective cash payrolls and the use of subcontractors on certain JM3 Construction LLC construction projects.



During the period of this conspiracy, Lawrence Wecker, Michael Speier, Joseph Guinta, Marcos Pinheiro, JM3 Construction LLC, JACG Construction LLC, and MGS Construction Corp. colluded with each other, and others, to underreport employee payrolls by generating cash payrolls, thereby defrauding their respective workers' compensation insurance providers. To achieve the conspiracy, Marcos Pinheiro and others arranged for shell companies to obtain minimal workers' compensation insurance policies with the New York State Insurance Fund ("NYSIF") and to establish accounts at various commercial check cashing businesses, so that the shell companies could cash checks issued by JM3 Construction LLC, MGS Construction Corp., and JACG Construction LLC to make it appear that the payments were in connection with legitimate construction subcontractor work.

#### OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, during the period from on or about January 12, 2015, to on or about November 9, 2021, the following overt acts, among others, were committed:

1. On or about January 12, 2015, Marcos Pinheiro and MGS Construction Corp. issued a check to 4 x 4 General Contractors, Inc., a shell company used by Marcos Pinheiro to conduct check cashing using names not associated with himself or his company, MGS Construction Corp.

2. On or about February 6, 2015, JM3 Construction LLC issued a series of checks to 4 x 4 General Contractors, Inc., a shell company used by Marcos Pinheiro to conduct check cashing using names not associated with himself or his company, MGS Construction Corp.
3. On or about February 7, 2015, Marcos Pinheiro cashed the JM3 Construction LLC checks to 4 x 4 General Contractors, Inc. at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
4. On or about November 12, 2015, Marcos Pinheiro and MGS Construction Corp. issued a series of checks to 4 x 4 General Contractors, Inc. and Estrada General Contractors LLC, shell companies used by Marcos Pinheiro to cash checks. The checks were cashed the same day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
5. On or about April 27, 2017, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.'s annual Premium Audit for the period of January 8, 2016, through January 8, 2017.
6. On or about June 2, 2017, Joseph Guinta submitted an application for workers' compensation insurance to NYSIF on behalf of JACG Construction LLC, which stated that JACG Construction LLC had three employees with an annual payroll of \$75,000. In the application, Joseph Guinta agreed to notify NYSIF of any changes in the size of the company's workforce or payroll.

7. On or about August 28, 2017, Joseph Guinta issued a JACG Construction LLC check to S&W General Construction LLC, a shell company used by Marcos Pinheiro to cash checks. The check was cashed the following day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
8. On or about February 9, 2018, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.'s annual Premium Audit for the period of January 8, 2017, through January 8, 2018.
9. On or about July 16, 2018, Joseph Guinta issued a JACG Construction LLC check to Ukone General Construction LLC, a shell company used by Marcos Pinheiro to cash checks. The check was cashed the following day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
10. On or about October 31, 2018, JM3 Construction LLC submitted a falsified certified payroll report to GC-1 regarding the construction project at 200 East 95<sup>th</sup> Street in New York County, which falsely stated that Lawrence Wecker's wife worked on the project.
11. On or about April 8, 2019, Joseph Guinta issued a JACG Construction LLC check to SZ General Construction LLC, a shell company used by Marcos Pinheiro to cash checks. The check was cashed the following day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
12. On or about May 20, 2019, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.'s annual Premium Audit for the period of January 8, 2018, through January 8, 2019.

13. On or about May 31, 2019, JM3 Construction LLC submitted a falsified certified payroll report to GC-1 regarding the construction project at 543 West 122<sup>nd</sup> Street in New York County, which falsely stated that Lawrence Wecker's wife worked on the project.
14. On or about December 30, 2019, JMC Construction LLC submitted a falsified certified payroll report to GC-1 regarding the construction project at 543 West 122<sup>nd</sup> Street in New York County, which falsely stated that Lawrence Wecker's wife worked on the project. Listed on the same payroll report were Lawrence Wecker and Marcos Pinheiro.
15. On or about January 23, 2020, Joseph Guinta issued a JACG Construction LLC check to Right Choice Construction LLC, a shell company used by Marcos Pinheiro to cash checks. The check was cashed the same day at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
16. On or about June 3, 2020, JM3 Construction LLC issued a check to Dussan General Construction LLC., a shell company used by Marcos Pinheiro to conduct check cashing using names not associated with himself or his company, MGS Construction Corp.
17. On or about September 10, 2020, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.'s annual Premium Audit for the period of January 8, 2019, through January 8, 2020.
18. On or about January 25, 2021, in a telephone conversation, Lawrence Wecker, Michael Speier, and Marcos Pinheiro discussed an injury sustained by one of Marcos Pinheiro's workers on a JM3 Construction LLC project. Michael Speier stated in substance, "He broke his arm . . . We can't make a report for him, there is no payroll for him."

19. During the same conversation, in response to inquiries being made by the general contractor's site safety inspector, Lawrence Wecker instructed Marcos Pinheiro in substance, "Say he didn't go to the doctor, he don't need no fucking doctor . . . Marcos, tomorrow, let him sign in tomorrow, into the building, then at coffeetime, take him out of the building . . . then when he goes to the hospital, he fell walking on the street."
20. On or about January 25, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed how to hide the above-mentioned worker's injury from the site safety inspector, including by making the worker wear a heavy, long sleeved coat that would hide the cast/sling on the worker's arm.
21. On or about February 11, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed an insurance-related investigation into an injured worker and their concerns about a paper trail showing that JM3 Construction LLC had made cash payments to the worker to dissuade the worker from filing a workers' compensation insurance claim.
22. On or about March 12, 2021, in a telephone conversation in New York County, Lawrence Wecker and JM3 Foreman-1 discussed a bid on a project requiring certified payroll reports from JM3 Construction LLC. During the conversation, JM3 Foreman-1 stated in substance, "This is gonna become a whole thing. I don't know how we got away with it at Essex . . . At Essex, we had, whatever, forty guys on the job. But we only put seven or eight of Junior's guys on the certified payroll."

23. On or about March 23, 2021, Marcos Pinheiro cashed four sequentially numbered checks issued by JM3 Construction LLC to Franca General Construction, a shell company, each in the amount of \$35,000 (totaling \$140,000), at Check In Cash Out, a commercial check cashing business located in Newark, New Jersey.
24. On or about March 31, 2021, in a telephone conversation, Lawrence Wecker directed a JM3 Foreman-2 in substance, “If somebody gets hurt, if it’s minor, take him to urgent care, say it happened at home and we’ll pay him.” JM3 Foreman-2 responded in substance, “Like we always do.”
25. On or about April 19, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed issues that arose with respect to the check cashing being done by Marcos Pinheiro on behalf of JM3 Construction LLC. During the conversation, the JM3 President stated in substance, “Marcos’s guy ain’t giving us no money . . . we bounced a check on him last week.”
26. On or about April 21, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed obtaining cash from another check cashing source. During the conversation, Lawrence Wecker agreed to accept \$5000 in cash as his weekly payment.
27. On or about May 3, 2021, in a telephone conversation, Marcos Pinheiro and the JM3 President discussed the check cashing arrangement and the need for JM3 Construction LLC to “make payroll for these guys.”

28. On or about May 4, 2021, in a telephone conversation, the JM3 President told Lawrence Wecker in substance, “I hope Marcos’s checks are all covered, made sure I had all the money in . . . gonna give him the other thing . . . hopefully Marcos is gonna bring the money today otherwise I don’t know what I’m gonna do.”
29. On or about May 4, 2021, in a telephone conversation, the JM3 President and Marcos Pinheiro agreed that Marcos Pinheiro would cash checks on behalf of JM3 Construction LLC and bring back \$140,000 in cash to cover JM3 Construction LLC’s payroll and subcontractor cash payments.
30. On or about May 7, 2021, Marcos Pinheiro cashed four checks issued by JM3 Construction LLC to DRC General Construction LLC, a shell company, each in the amount of \$35,000 (totaling \$140,000), at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
31. On or about May 23, 2021, in a telephone conversation in New York County, Marcos Pinheiro told Lawrence Wecker that Marcos Pinheiro typically cashed \$140,000 per week for JM3 Construction LLC.
32. On or about May 23, 2021, in a telephone conversation in New York County, Lawrence Wecker told Marcos Pinheiro to meet with the JM3 President on Tuesday, May 25, 2021, to get checks that needed to be cashed.
33. On or about May 25, 2021, in a telephone conversation, Marcos Pinheiro agreed to cash checks on behalf of JM3 Construction LLC.

34. On or about May 25, 2021, Marcos Pinheiro cashed five checks issued by JM3 Construction LLC to DRC General Construction LLC, a shell company, which totaled \$160,000, at Lyons Express, a commercial check cashing business located in Newark, New Jersey.
35. On or about May 31, 2021, in a telephone conversation, the JM3 President and Joseph Guinta discussed JM3 Construction LLC's payroll, including JM3 Construction LLC making its weekly payroll with \$75,000 in cash by eliminating the substantial cash payments to two subcontractors.
36. On or about June 14, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed payments to Joseph Guinta and JACG Construction LLC. The JM3 President stated in substance that he had given Joseph Guinta \$120,000 that week, which included "20,000 from the week before in cash."
37. On or about June 26, 2021, Joseph Guinta sent a text message to Lawrence Wecker, which stated, "44 guys on the job today and they close it at 2 pm no Jm3 foreman there either you will have to convert that to mandays."
38. On or about June 29, 2021, Joseph Guinta sent a text message to Lawrence Wecker, which stated, "Just a heads up I had 129 men and 16 mandays that's about 34000 please make sure I'm compensated properly."



39. On or about July 7, 2021, Joseph Guinta sent a text message to Lawrence Wecker, which stated, "I have 35 guys on Livonia 10 guys on scholes 10 guys on 108 st 6 guys 122<sup>nd</sup> st 12 guys col hgts 4 weeks behind on pay and got paid 33,000 last week and my payroll was 70000 who else in this company stuck here without pulling guys disgusting but not a surprise."
40. On or about July 8, 2021, Joseph Guinta sent a text message to Lawrence Wecker, which stated, "My payroll for the week is 59830 without me taking a dime I'm sitting on 36500 from last again without me making a dime if I do not receive 110,000 that's including the 36500 I have on Monday I will have to cut my man power drastically."
41. On or about July 15, 2021, in a telephone conversation, Joseph Guinta told the JM3 President in substance, that JACG Construction LLC's payroll for the week was \$100,000.
42. On or about July 27, 2021, in a telephone conversation, JM3 Foreman-3 told Lawrence Wecker that a worker suffered an injury on the project at 14 LeCount Place, New Rochelle, New York, requiring medical attention at a local hospital. Lawrence Wecker stated in substance, "Say he got cut at home and we'll get the bill."
43. On or about August 16, 2021, in New York County, Marcos Pinheiro and MGS Construction Corp. submitted false information to NYSIF related to MGS Construction Corp.'s annual Premium Audit for the period of January 8, 2020, through January 8, 2021.
44. On or about August 26, 2021, in a telephone conversation, Lawrence Wecker and JM3 President discussed using JM3 Foreman-4 to cash \$75,000 in checks, with Lisa Rossi getting \$4000 in cash.

45. On or about September 15, 2021, in a telephone conversation, Marcos Pinheiro told Lawrence Wecker in substance, that Marcos Pinheiro does not use MGS Construction Corp. to cash checks, but rather, writes smaller checks to other companies which are then cashed.
46. On or about September 15, 2021, Lawrence Wecker, Michael Speier, and Marcos Pinheiro agreed that JM3 Construction LLC would give \$20,000 in cash to an individual that supplied workers for Marcos Pinheiro and MGS Construction Corp.
47. On or about September 20, 2021, in a telephone conversation, Lawrence Wecker and Labor Broker-1 discussed a worker who suffered an injury on the project at 14 LeCount Place, New Rochelle, New York. In response to a request that JM3 Construction LLC give the worker cash for the missed work due to his injury, Lawrence Wecker stated in substance, "Get the fuck outta here."
48. On or about September 22, 2021, in a telephone conversation, Joseph Guinta told the JM3 President in substance, that JACG Construction LLC had 40 workers on the Vital Brookdale construction project.
49. On or about September 29, 2021, in a telephone conversation, Lawrence Wecker told Marcos Pinheiro to instruct his workers to identify themselves as JM3 Construction LLC employees because JM3 Construction LLC's client had discovered insurance issues related to MGS Construction Corp. and other JM3 Construction LLC subcontractors.

50. On or about October 12, 2021, in a telephone conversation, Lawrence Wecker told Marcos Pinheiro to instruct his workers to identify themselves as JM3 Construction LLC employees because MGS Construction Corp. no longer had an active workers' compensation insurance policy.

51. On or about November 9, 2021, in two telephone conversations in New York County, Lawrence Wecker stated in substance to Joseph Guinta, "It's the payroll . . . they got the check casher . . . Marcos [Pinheiro] is where [the JM3 President] got most of his money . . . and the Porches . . . people brought us back cash, sure they know where it all [came] from."

COUNT FOUR:

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants Lawrence Wecker, Michael Speier, Joseph Guinta, Lisa Rossi, JM3 Construction LLC, JACG Construction LLC, and LNR Construction LLC of the crime of **CONSPIRACY IN THE FIFTH DEGREE**, in violation of Penal Law § 105.05(1), committed as follows:

The defendants in the County of New York, and elsewhere, during the period from on or about May 3, 2016, to on or about November 9, 2021, with the intent that conduct constituting the felony of Falsifying Business Records in the First Degree be performed, agreed with each other and others to engage in and cause the performance of such conduct.

## **PREAMBLE**

The purpose of the conspiracy was to increase JM3 Construction LLC's business and revenues by falsifying business records related to the participation of M/WBE subcontractors and/or material suppliers. The JM3 CONSTRUCTION ENTERPRISE accomplished this in several ways, including: 1) using LNR Construction LLC as a pass-through on projects where the work was wholly performed by JM3 Construction LLC and non-M/WBE subcontractors, such as JACG Construction LLC; 2) falsifying business records to make it appear that Eco Geek Living, Inc., a New York State certified M/WBE firm, supplied materials and services to JM3 Construction LLC, when, in fact, the materials were supplied by Tri-State Lumber, Ltd., a non-M/WBE firm; and 3) falsifying business records to make it appear that JM3 Construction LLC contracted with Urban Strategies of New York, Inc., a New York State certified M/WBE firm, to perform work as a drywall/carpentry subcontractor, when, in fact, Urban Strategies of New York, Inc. was not a drywall/carpentry company and would receive a fee for allowing JM3 Construction LLC to list the company's name on a contract and other documents so that JM3 Construction LLC could obtain a lucrative construction contract for a project in New York County.

## **OVERT ACTS**

In furtherance of said conspiracy and to effect the objects thereof, during the period from on or about May 3, 2016, to on or about November 9, 2021, the following overt acts, among others, were committed:

1. On or about May 3, 2016, the JM3 President emailed Lisa Rossi and LNR Construction LLC about Lisa Rossi signing the lease for LNR Construction LLC's purported office space, which would be paid by JM3 Construction LLC.
2. On or about May 19, 2016, the JM3 President emailed Lisa Rossi and LNR Construction LLC regarding setting up LNR Construction LLC's payroll with JM3 Construction LLC's payroll company.
3. On or about July 18, 2017, Lisa Rossi and LNR Construction LLC submitted a WBE application containing a false statement and false information to the New York State Empire Development Corp., in New York County.
4. On or about August 1, 2017, Lisa Rossi and the JM3 President executed a sham contract to make it appear that LNR Construction LLC would perform work as a JM3 Construction LLC subcontractor on the project located at 79 Avenue D in New York County.
5. On or about August 15, 2017, Joseph Guinta signed a purported subcontractor agreement between JACG Construction LLC and LNR Construction LLC on the Story Avenue East, Bronx, New York project.
6. On or about September 22, 2017, Lisa Rossi and LNR Construction LLC executed a New York State Homes and Community Renewal ("HCR") affirmation of income document falsely attesting that LNR Construction LLC performed construction services for JM3 Construction LLC on the project at 79 Avenue D in New York County.

7. On or about September 22, 2017, JM3 Construction LLC Secretary-2 (“JM3 Secretary-2”) submitted the HCR affirmation of income document to GC-5 in connection with JM3 Construction LLC’s M/WBE commitment on the 79 Avenue D project in New York County.
8. On or about January 29, 2018, Lisa Rossi and LNR Construction LLC submitted documents containing false information to the New York State Empire Development Corp., in New York County.
9. On or about November 12, 2018, Lisa Rossi entered into a lease for 501 East 116<sup>th</sup> Street, #1, in New York County, for \$2500 per month. Lawrence Wecker was listed as a guarantor on the lease document.
10. On or about December 18, 2018, Michael Speier sent an email to Lisa Rossi, which identified a series of projects for which Michael Speier and JM3 Construction LLC prepared bid proposals in the name of LNR Construction LLC, including 350 East 18<sup>th</sup> Street, 149 West 19<sup>th</sup> Street, 1425 Fulton Street, 378 Broome Street, and 222 East 34<sup>th</sup> Street.
11. On or about March 22, 2019, Lisa Rossi and LNR Construction LLC executed a HCR affirmation of income document falsely attesting that LNR Construction LLC performed construction services for JM3 Construction LLC on the project at 79 Avenue D in New York County.

12. On or about March 26, 2019, JM3 Secretary-2 submitted the HCR affirmation of income document to GC-5 in connection with JM3 Construction LLC's M/WBE commitment on the project.
13. On or about April 2, 2019, Lisa Rossi executed a HCR affirmation of income document, which fraudulently listed LNR Construction LLC as a subcontractor on the Via Vyse project located at 1812 Vyse Avenue, Bronx, New York.
14. On or about June 12, 2019, Lisa Rossi sent an email addressed to "Larry," which stated in substance, "I have been stressed and scared where I get to the point that I'm in a rage not good for me or you . . . but I don't feel comfortable with writing large \$ amount checks I have you told you this in the past, I want to understand it a little more but not today bad day, and I've said numerous times. I have so much going on I didn't file my taxes, still did not complete LNR's workers comp audit I guess its just a build up of me being scared."
15. On or about August 2, 2019, JM3 Construction LLC sent an email to Lisa Rossi titled "Yearly Project List," which contained a list of the JM3 Construction LLC projects in which JM3 Construction LLC used LNR Construction LLC as a WBE pass-through.
16. On or about November 5, 2019, Lisa Rossi sent a reply to the above-referenced email, which stated in substance, "LNR accountant is asking for \$ contract amount for the below projects per year Vyse is listed twice? I have to give him dollar amounts, when job started and when job was completed. As well as who was awarded project contracts and Owners. Please call me tomorrow we can go over."

17. On or about February 7, 2020, Lawrence Wecker emailed GC-5's M/WBE commitment on the 14 LeCount Place, New Rochelle, New York project. Lawrence Wecker stated in substance, "We will be using the following entities towards our M/WBE goal:

MGS Construction Corp. (MBE) - \$3,000,000

LNR Construction, LLC (WBE) - \$2,000,000."

18. On or about February 22, 2020, the JM3 Construction LLC email account sent an email to Lawrence Wecker listing the documents needed for Lisa Rossi and LNR Construction LLC to complete its WBE application.

19. On or about January 16, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed the arrangement with Lisa Rossi and LNR Construction LLC, during which Lawrence Wecker stated in substance, that JM3 Construction LLC was paying Lisa Rossi \$2500 per week because they were falsely listing her as a WBE subcontractor on the 14 LeCount Place, New Rochelle, New York project.

20. On or about February 22, 2021, in a telephone conversation, Lawrence Wecker stated in substance to a business associate, "We rented a little office in Harlem . . . that woman, Lisa, the woman we hooked up with, we have a W/MBE, have to have another office, moved our project manager into there and that's for me, and I have a place, paying \$2500 per month."



21. On or about March 2, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed the need to falsify documents showing that JM3 Construction LLC was using a WBE subcontractor on a project. Lawrence Wecker stated in substance, "I'm gonna call Leah [Guttman from Tri-State Lumber, Ltd.] . . . Leah is a little on the shady side, maybe use one of her companies to give them framing and metal."
22. On or about March 2, 2021, in a telephone conversation in New York County, Lawrence Wecker, Leah Guttman, and CC-1 discussed setting up a pass-through arrangement with Eco Geek Living, Inc. to make it appear that Eco Geek Living, Inc. was a subcontractor on a JM3 Construction LLC project, thereby enabling JM3 Construction LLC to claim M/WBE participation credit.
23. On or about March 2, 2021, in a telephone conversation, Lawrence Wecker stated in substance to LaShawn Henry, "Send me a copy of your certificate . . . I'm gonna use it with L+M . . . going to put you down as a taping contractor, we'll sit down and work out a good thing."
24. On or about April 9, 2021, in a telephone conversation in New York County, Lawrence Wecker and Leah Guttman discussed Tri-State Lumber, Ltd.'s payment arrangement with Eco Geek Living, Inc. Leah Guttman stated in substance, "I pay her a percentage, just her for the billing . . . you call me for the material, we just bill it through her . . . we typically pay her 3%."

25. During the same conversation, Lawrence Wecker, in discussing how JM3 Construction LLC would need to show the payments to Eco Geek Living, Inc. to receive the M/WBE participation credit, stated in substance, “I gotta give her a check, and she turns around and gives me a check.”
26. On or about April 12, 2021, in a telephone conversation with Shamsuddin Riza, Lawrence Wecker agreed to prepare a false business record stating that Shamsuddin Riza’s company, United Construction Brothers Services LLC, had performed drywall second-tier subcontracting work for JM3 Construction to enable United Construction Brothers Services LLC to be approved as a subcontractor for General Contractor-4 (“GC-4”). During the conversation, Shamsuddin Riza stated in substance, “You can say Jersey, you can say we used them in Jersey. And we used them for some corrective work on Park Avenue, in the Bronx or West Bumblefuck – I don’t care. I’m in the door. I’m not interested in Brooklyn, I made that very clear.”
27. On or about April 21, 2021, in a telephone conversation in New York County, Lawrence Wecker stated in substance to Lisa Rossi, “You don’t do shit. Waiting for you for five years for you to get your fucking state license . . . you had money coming in without doing fucking nothing.”
28. On or about April 22, 2021, in a telephone conversation, Lawrence Wecker and JM3 Secretary-1 identified the JM3 Construction LLC workers whom they placed on LNR Construction LLC’s payroll to make it appear that LNR Construction LLC had an active payroll for WBE certification purposes.

29. On or about April 22, 2021, in a telephone conversation, Lisa Rossi stated in substance to Lawrence Wecker, “Stop telling people I’m an owner. I’m a pass-through.”
30. On or about April 22, 2021, in a telephone conversation in New York County, Lawrence Wecker and Michael Speier discussed the pass-through arrangement among JM3 Construction, Tri-State Lumber, Ltd., and Eco Geek Living, Inc.. Lawrence Wecker stated in substance, “We’ll buy from Leah [Guttman], and do the billing through her, through Eco Geek . . . Leah said [Eco Geek Living, Inc. will] ask for 3%, try to get her down to 2, which will be about 30 grand.”
31. On or about April 22, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed the potential pass-through arrangement between JM3 Construction LLC and Eco Geek Living, Inc. Lawrence Wecker stated in substance, “Gotta use [Eco Geek Living, Inc.] for labor . . . give her a check for \$100,000, which she has to give back to us to cover the labor . . . We could set [Eco Geek Living, Inc.] up with a payroll, we’d have to give her a check like you do with Lisa [Rossi].”
32. On or about April 22, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier agreed to create a sham contract to make it appear that Eco Geek Living, Inc. had a \$1.5 million contract to perform drywall work as a JM3 Construction LLC subcontractor on the Vital Brookdale project in Brooklyn.

33. On or about May 27, 2021, in a telephone conversation, Lawrence Wecker and Michael Speier discussed the National Urban League Project in New York County, including JM3 Construction LLC's potential use of several different certified M/WBE companies as pass-throughs, including Eco Geek Living, Inc. and Urban Strategies of New York, Inc.
34. On or about June 4, 2021, in a telephone conversation, Lawrence Wecker and Lisa Rossi discussed Lawrence Wecker's use of LNR Construction LLC on a project connected to a developer scheduled to serve a prison sentence. Lawrence Wecker stated in substance, "I used your name, made you some money."
35. On or about June 15, 2021, in a telephone conversation, Lawrence Wecker and LaShawn Henry discussed the fact that neither she nor Urban Strategies of New York, Inc. performs "framing" work."
36. On or about June 15, 2021, in a telephone conversation, Lawrence Wecker stated in substance to LaShawn Henry, "I need you to just show as the contractor . . . I'll give you the framing, don't need your labor, need you to be the owner of the company."
37. On or about June 16, 2021, in a telephone conversation, Lawrence Wecker and LaShawn Henry discussed certain insurance paperwork that was necessary so JM3 Construction LLC could falsely list Urban Strategies of NY, Inc. as a subcontractor. When LaShawn Henry asked what kind of work Urban Strategies of NY, Inc. would purportedly perform, Lawrence Wecker stated in substance, "Framing, don't worry, we'll make it up."

38. On or about July 1, 2021, in a telephone conversation, Lawrence Wecker told LaShawn Henry that she may receive a telephone call from a GC-5 Project Manager regarding the National Urban League project. Lawrence Wecker stated in substance, “This guy . . . may call you, he’s the [Project Manager] on 125<sup>th</sup> Street . . . I told him we did a lot of work, do work together, do my framing and sheetrocking, and you and I will sit down and work it all out.”
39. On or about July 14, 2021, in a telephone conversation, Lawrence Wecker and Lisa Rossi discussed the JM3 Construction LLC employees who were placed on LNR Construction LLC’s payroll. Lisa Rossi stated in substance, “I need the payroll until I get approved for WBE . . . if they’re your guys and you’re paying them anyway, what is the big deal . . . I need to have a payroll.”
40. On or about July 16, 2021, in a telephone conversation, Lawrence Wecker and LaShawn Henry discussed JM3 Construction LLC fraudulently listing Urban Strategies of New York, Inc. as a pass-through subcontractor on a project for General Contractor-4 (“GC-4”). During the conversation, Lawrence Wecker stated in substance, “I don’t want to get you in trouble, but I mean, I gotta give money to, you know, I would, it’s a nice piece of change . . . I’ll tell them you. Cause I was gonna give them like a million-and-a-half dollars [of M/WBE participation], which I would’ve gave that woman 30 grand, you know.”

41. On or about July 17, 2021, in a telephone conversation, the JM3 President and Joseph Guinta discussed JM3 Construction LLC's need to make deals with M/WBE pass-through companies. The JM3 President stated in substance, "All these girls in the office, why didn't we open a company for them with this woman shit . . . we depended on Lisa [Rossi], she never came through . . . now [Lawrence Wecker] wants to use Eco Geek, but they have no insurance."
42. On or about July 21, 2021, Michael Speier sent an email to several GC-5 executives which stated in substance, "Below is a list of the Minority contributions we can commit to for the National Urban League project . . . JM3 can commit to providing \$1,500,000 of labor thru a black owned minority contractor. This will be provided thru our framing, drywall and taping sub-contractor Urban [Strategies] of New York Inc. . . . JM3 can commit to providing \$500,000 of material from a women owned minority supplier. This will be provided by purchasing our drywall through Ecogeek."
43. On or about July 27, 2021, in a telephone conversation, Lawrence Wecker and Lisa Rossi discussed cash payments from JM3 Construction LLC to Lisa Rossi. Lawrence Wecker stated in substance, "The \$2500 was based on you having a job [JM3 Construction LLC] was paying you off . . . On LeCount, we were using you over there as a lady," a reference to being a WBE subcontractor.

44. On or about August 13, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed falsifying business records to make it appear that Urban Strategies of NY, Inc. was an actual drywall subcontractor and had employees. During the conversation, Lawrence Wecker stated in substance, “LaShawn or somebody else that’s black, you know, has like, we give her a contract to do some work, which is, you know, bullshit. But they’ve got to be, actually, on her payroll . . . we have to give her, like, uh, a couple of workers.”
45. On or about August 17, 2021, Lawrence Wecker met with LaShawn Henry and Brittany Henry in New York County to discuss the National Urban League pass-through arrangement.
46. On or about August 26, 2021, in a telephone conversation, Lawrence Wecker and the JM3 President discussed the pass-through arrangement with Eco Geek Living, Inc. and the potential need to create a payroll for Eco Geek Living, Inc. to meet the M/WBE compliance requirements of JM3 Construction LLC’s client. The JM3 President stated in substance, “I’ll get the checks. Joe Guinta will give me five guys, Peter will give me five guys” to place on a payroll for Eco Geek Living, Inc.

47. On or about August 30, 2021, Lawrence Wecker sent an email titled "Eco Geek Contract" to a GC-4 executive/manager. Attached to the email were the following: a fraudulent contract between JM3 Construction LLC and Eco Geek Living, Inc., dated May 4, 2021, in the amount of \$1,624,000; a JM3 Construction LLC scope of work document, which described Eco Geek Living, Inc. as both a labor subcontractor and materials supplier; and Eco Geek Living, Inc.'s M/WBE certificates.
48. On or about September 9, 2021, in a telephone call with Michael Speier, Lawrence Wecker stated in substance, "I've got to get LaShawn insurance. You know, get her the cheapest insurance, but I'll get her insurance and we'll set her up with, you know, with Abel payroll, like, you know. We'll put our guys on her payroll."
49. On or about September 9, 2021, Michael Speier sent a text message to the JM3 President, which stated, "Got national urban league job!!"
50. On or about September 18, 2021, in a telephone conversation with the JM3 President, Michael Speier stated in substance, "We got the award paperwork for National Urban League . . . You're gonna have to get a little bit involved in that with the girl, LaShawn . . . so, basically, we're going to have to use her to pay our subs."
51. On or about September 27, 2021, JM3 Secretary-2 emailed GC-5's M/WBE Compliance Director. Attached to the email was an executed National Urban League M/WBE commitment form, which listed Urban Strategies of New York, Inc. as a WBE labor subcontractor with a \$1,500,000 award amount, and Eco Geek Living, Inc. as a WBE material supplier with a \$500,000 award amount.



COUNT FIVE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses defendants Marcos Pinheiro and MGS Construction Corp. of the crime of **INSURANCE FRAUD IN THE FIRST DEGREE**, in violation of Penal Law § 176.30, committed as follows:

The defendants, in the County of New York, during the period from on or about January 8, 2015, to on or about November 9, 2021, committed a fraudulent insurance act and thereby wrongfully took, obtained and withheld, or attempted to wrongfully take, obtain, and withhold property with a value in excess of one million dollars from the New York State Insurance Fund.

COUNT SIX:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **GRAND LARCENY IN THE SECOND DEGREE**, in violation of Penal Law § 155.40(1), committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about June 13, 2021, to on or about August 20, 2021, stole property having a value in excess of fifty thousand dollars from a subcontractor (“Subcontractor-1”), in that the defendants, as trustees of a trust arising out of New York State Lie Law Article 3-A, violated New York State Lien Law § 79-a(1)(b) in that they misappropriated the funds of such trust when they received funds as a contractor and failed to pay within thirty-one days the undisputed trust claims.

COUNT SEVEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about June 30, 2021, to on or about September 30, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-1 (“GC-1”), to wit, requisition payment affirmations.

COUNT EIGHT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime **ATTEMPTED GRAND LARCENY IN THE SECOND DEGREE**, in violation of Penal Law § 110/155.40(1), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about February 24, 2021, to on or about June 12, 2022, attempted to steal property from General Contractor-2 (“GC-2”), and the value of the property exceeded fifty thousand dollars.

COUNT NINE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime **COMMERCIAL BRIBING IN THE FIRST DEGREE**, in violation of Penal Law §180.08, committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or February 24, 2021, to on or about June 12, 2022, conferred benefits exceeding one thousand dollars upon an employee of GC-2 without the consent of his employer, GC-2, with the intent to influence his conduct in relation to GC-2's affairs and thereby caused economic harm to GC-2 and its client in excess of two hundred fifty dollars.

COUNT TEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **CONTRACT OR AGREEMENT FOR MONOPOLY OR IN RESTRAINT OF TRADE** in violation of General Business Law §§ 340(1) and 341, committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about February 24, 2021, to on or about May 6, 2021, knowingly entered into or attempted to enter into a contract, agreement, or combination in unreasonable restraint of trade and competition, relating to contracting services for GC-2.

COUNT ELEVEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Lawrence Wecker, Michael Speier, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law § 190.65(1)(b), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about May 3, 2016, to on or about November 9, 2021, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person, to wit, multiple general contractor firms, including General Contractor-3 (“GC-3”), General Contractor-4 (“GC-4”), and General Contractor-5 (“GC-5”), and government entities, including HCR and New York City Housing Preservation and Development (“HPD”), by false and fraudulent pretenses, representations and promises, and so obtained property with a value in excess of one thousand dollars from one or more such persons.

COUNT TWELVE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law §175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about January 2, 2019, to on or about October 1, 2019, with intent to defraud, and to commit another

crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-3 (“GC-3”), to wit, minority-owned and women-owned business enterprise (“M/WBE”) compliance audit documents.

COUNT THIRTEEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about January 11, 2019, knowing that a written instrument, to wit, a New York City Housing Preservation and Development (“HPD”) M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT FOURTEEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in in the County of New York and elsewhere, on or about April 16, 2019, knowing that a written instrument, to wit, a New York City Housing Preservation and Development (“HPD”) M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT FIFTEEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about January 2, 2019, knowing that a written instrument, to wit, a New York State Homes and Community Renewal

("HCR") M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT SIXTEEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about March 26, 2019, knowing that a written instrument, to wit, a New York State Homes and Community Renewal ("HCR") M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT SEVENTEEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, on or about July 1, 2019, knowing that a written instrument, to wit, a New York State Homes and Community Renewal (“HCR”) M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT EIGHTEEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about September 27, 2019, to on or about October 1, 2019, knowing that a written instrument, to



wit, a New York State Homes and Community Renewal (“HCR”) M/WBE compliance report, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT NINETEEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about August 18, 2021, to on or about August 30, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-4, to wit, subcontract and payment records associated with Eco Geek Living, Inc.

COUNT TWENTY:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about September 27, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-5, to wit, National Urban League Workforce and Contractor Diversity document.

COUNT TWENTY-ONE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **OFFERING A FALSE INSTRUMENT IN THE FIRST DEGREE**, in violation of Penal Law § 175.35(1), committed as follows:

The defendants, in the County of New York and elsewhere, on or about October 20, 2021, knowing that a written instrument, to wit, a New York State Empire Development Corp. WBE application, contained a false statement and false information, and with intent to defraud the state and any political subdivision, public authority and public benefit corporation, offered and presented it to a public office, public servant, public authority and public benefit corporation, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become

part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT TWENTY-TWO:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about October 20, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, the New York State Empire Development Corp., to wit, a WBE application.

COUNT TWENTY-THREE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, from on or about March 22, 2019, to on or about March 26, 2019, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an

enterprise, GC-5, to wit, a New York State Homes and Community Renewal affirmation of income document regarding the project at 79 Avenue D in New York County.

COUNT TWENTY-FOUR:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Lisa Rossi, JM3 Construction LLC, and LNR Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York, from on or about April 2, 2019, to on or about April 4, 2019, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, LNR Construction LLC, to wit, a New York State Homes and Community Renewal affirmation of income document regarding the Via Vyse project in Bronx County.

COUNT TWENTY-FIVE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime **ATTEMPTED GRAND LARCENY IN THE SECOND DEGREE**, in violation of Penal Law § 110/155.40(1), committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about October 1, 2021, to on or about October 18, 2021, attempted to steal property from General Contractor-5, and the value of the property exceeded fifty thousand dollars.

COUNT TWENTY-SIX:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, Joseph Guinta, JM3 Construction LLC, and JACG Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about October 1, 2021, to on or about October 18, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-5, to wit, a construction subcontract.

COUNT TWENTY-SEVEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **ATTEMPTED GRAND LARCENY IN THE SECOND DEGREE**, in violation of Penal Law § 110/155.40(1), committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about September 14, 2021, to on or about November 8, 2021, attempted to steal property from LMV II 885 WASHINGTON HOLDINGS, and the value of the property exceeded fifty thousand dollars.

COUNT TWENTY-EIGHT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about March 28, 2018, to on or about October 31, 2018, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor-1, to wit, certified payroll reports related to the construction project at 200 East 95<sup>th</sup> Street in New York County.

COUNT TWENTY-NINE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about January 2, 2019, to on or about February 4, 2020, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the

business records of an enterprise, General Contractor-1, to wit, certified payroll reports related to the construction project at 543 West 122<sup>nd</sup> Street in New York County.

COUNT THIRTY:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about March 12, 2021, to on or about May 12, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, General Contractor- 6, to wit, payroll reports/sign-in sheets related to the construction project at 143-151 West 108<sup>th</sup> Street in New York County.

COUNT THIRTY-ONE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **COMMERCIAL BRIBING IN THE SECOND DEGREE**, in violation of Penal Law § 180.00, committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about March 7, 2021, to on or about October 3, 2021, conferred benefits upon an employee of General Contractor-7 (“GC-7”) without the consent of his employer, GC-7, with the intent to influence his conduct in relation to GC-7’s affairs.

COUNT THIRTY-TWO:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **COMMERCIAL BRIBING IN THE SECOND DEGREE**, in violation of Penal Law § 180.00, committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about March 24, 2021, to on or about September 7, 2021, conferred benefits upon an employee, at different periods during the duration of conferral of benefits, of General Contractor-8 (“GC-8”) and General Contractor 9 (“GC-9”) without the consent of either employer, with the intent to influence his conduct in relation to GC-8’s and GC-9’s affairs.

COUNT THIRTY-THREE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **COMMERCIAL BRIBING IN THE SECOND DEGREE**, in violation of Penal Law § 180.00, committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about December 13, 2020, to on or about October 9, 2021, conferred benefits upon agents of General Contractor-4 (“GC-4”), without the consent of GC-4, the principal, with the intent to influence the agents’ conduct in relation to GC-4’s affairs.



COUNT THIRTY-FOUR:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Michael Speier, and JM3 Construction LLC of the crime **COMMERCIAL BRIBING IN THE SECOND DEGREE**, in violation of Penal Law § 180.00, committed as follows:

The defendants, in the County of New York, and elsewhere, on or about December 23, 2020, conferred a benefit, or offered or agreed to offer a benefit, upon an employee of General Contractor-5 (“GC-5”), without the consent of his employer, GC-5, with the intent to influence his conduct in relation to GC-5’s affairs.

COUNT THIRTY-FIVE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **COMMERCIAL BRIBING IN THE SECOND DEGREE**, in violation of Penal Law § 180.00, committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about January 24, 2021, to on or about July 17, 2021, conferred benefits upon an employee of General Contractor-4 (“GC-4”) without the consent of his employer, GC-4, with the intent to influence his conduct in relation to GC-4’s affairs.

COUNT THIRTY-SIX:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendant Lawrence Wecker of the crime **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE**, in violation of Penal Law § 265.03(3), an armed felony, committed as follows:

The defendant, in the County of New York, on or about November 9, 2021, possessed a loaded firearm.

COUNT THIRTY-SEVEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendant Lawrence Wecker of the crime **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE**, in violation of Penal Law § 265.02(1), committed as follows:

The defendant, in the County of New York, on or about November 9, 2021, possessed a firearm.

COUNT THIRTY-EIGHT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendant Lawrence Wecker of the crime **CRIMINAL POSSESSION OF A FIREARM**, in violation of Penal Law § 265.01-b(1), committed as follows:

The defendant, in the County of New York, on or about November 9, 2021, possessed a firearm.

COUNT THIRTY-NINE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about January 6, 2021, to on or about January 21, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing Vital Brookdale and Nuel Construction LLC labor.

COUNT FORTY:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about May 12, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, an Application of Payment Document referencing Vital Brookdale and DRC General Construction LLC labor.

COUNT FORTY-ONE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about March 10, 2021, to on or about April 7, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, Application of Payment Document referencing Vital Brookdale and Franca General Construction LLC labor.

COUNT FORTY-TWO:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or June 3, 2020, to on or about August 19, 2020, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, Application of Payment Document referencing West 108<sup>th</sup> Street and Dussan General Construction LLC labor.

COUNT FORTY-THREE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about January 27, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, Application of Payment Document referencing West 108<sup>th</sup> Street and Nuel Construction LLC labor.

COUNT FORTY-FOUR:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, on or about April 7, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit,

Application of Payment Document referencing West 108<sup>th</sup> Street and Franca General Construction LLC labor.

COUNT FORTY-FIVE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about December 2, 2019, to on or about March 4, 2020, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, Application of Payment Document referencing West 108<sup>th</sup> Street and RSR General Construction LLC labor.

COUNT FORTY-SIX:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about June 24, 2020, to on or about September 26, 2020, with intent to defraud, and to commit

another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, Application of Payment Document referencing MMP White Plains and Dussan General Construction LLC labor.

COUNT FORTY-SEVEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about November 11, 2020, to on or about February 17, 2021, with intent to defraud, and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, Application of Payment Document referencing MMP White Plains and Nuel Construction LLC labor.

COUNT FORTY-EIGHT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuse defendants Lawrence Wecker and JM3 Construction LLC of the crime **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about April 15, 2021, to on or about May 27, 2021, with intent to defraud, and to commit another

crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, JM3 Construction LLC, to wit, Application of Payment Document referencing Vital Brookdale and Glenn-Well-Drywall-Carpentry labor.

COUNT FORTY-NINE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp., of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York, on or about May 20, 2019, with intent to defraud and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, to wit, the New York State Insurance Fund, related to MGS Construction Corp.'s "Premium Audit" for the period January 8, 2018, through January 8, 2019.

COUNT FIFTY:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp., of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:



The defendants, in the County of New York, on or about September 10, 2020, with intent to defraud and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, to wit, the New York State Insurance Fund, related to MGS Construction Corp.'s "Premium Audit" for the period January 8, 2019, through January 8, 2020.

COUNT FIFTY-ONE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp., of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law § 175.10, committed as follows:

The defendants, in the County of New York, on or about August 16, 2021, with intent to defraud and to commit another crime and to aid and conceal the commission thereof, made and caused a false entry in the business records of an enterprise, to wit, the New York State Insurance Fund, related to MGS Construction Corp.'s "Premium Audit" for the period January 8, 2020, through January 8, 2021.

COUNT FIFTY-TWO:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Joseph Guinta and JACG Construction LLC of the crime of **INSURANCE FRAUD IN THE SECOND DEGREE**, in violation of Penal Law § 176.25, committed as follows:

The defendants, in the County of New York, during the period from on or about June 2, 2017, to on or about May 6, 2022, committed a fraudulent insurance act and thereby wrongfully took, obtained and withheld, or attempted to wrongfully take, obtain, and withhold property with a value in excess of fifty thousand dollars from the New York State Insurance Fund.

COUNT FIFTY-THREE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Joseph Guinta and JACG Construction LLC of the crime of **PENALTIES FOR FRAUDULENT PRACTICES**, in violation of Workers' Compensation Law § 96(1), committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about June 2, 2017, to on or about May 6, 2022, knowingly engaged in a fraudulent scheme or device for the purpose of obtaining, maintaining and renewing workers' compensation insurance, for themselves and for any other person and entity.

COUNT FIFTY-FOUR:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime of **MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about February 6, 2015, to on or about November 9, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of specified criminal conduct, with intent to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

COUNT FIFTY-FIVE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Lawrence Wecker, Marcos Pinheiro, and JM3 Construction LLC of the crime of **MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, on or about March 5, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of specified criminal conduct, with intent to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

COUNT FIFTY-SIX:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp. of the crime of **MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about January 12, 2015, to on or about November 9, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of specified criminal conduct, with intent to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

COUNT FIFTY-SEVEN:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp. of the crime of **MONEY LAUNDERING IN THE THIRD DEGREE**, in violation of Penal Law § 470.10(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, on or about May 7, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact

involved the proceeds of specified criminal conduct, with intent to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded fifty thousand dollars.

COUNT FIFTY-EIGHT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Marcos Pinheiro and MGS Construction Corp. of the crime of **MONEY LAUNDERING IN THE THIRD DEGREE**, in violation of Penal Law § 470.10(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, on or about August 17, 2019, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of specified criminal conduct, with intent to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded fifty thousand dollars.

COUNT FIFTY-NINE:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Joseph Guinta, Marcos Pinheiro, and JACG Construction LLC of the crime of **MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about August 29, 2017, to on or about November 9, 2021, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted one or more such financial transactions which in fact involved the proceeds of specified criminal conduct, with intent to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

COUNT SIXTY:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants Joseph Guinta, Marcos Pinheiro, and JACG Construction LLC of the crime of **MONEY LAUNDERING IN THE SECOND DEGREE**, in violation of Penal Law § 470.15(1)(b)(ii)(A) and (iii), committed as follows:

The defendants, in the County of New York, and elsewhere, during the period from on or about April 4, 2019, to on or about October 23, 2019, knowing that the property involved in one or more financial transactions represented the proceeds of specified criminal conduct, conducted

one or more such financial transactions which in fact involved the proceeds of specified criminal conduct, with intent to conceal or disguise the nature, the location, the source, the ownership or the control of the proceeds of specified criminal conduct, and the total value of the property involved in such financial transactions exceeded one-hundred thousand dollars.

ALVIN L. BRAGG, JR.

District Attorney

7th Additional Grand Jury for the 1<sup>st</sup> Term; GJ Case # 3A

Filed:

NA

No.

THE PEOPLE OF THE STATE OF NEW  
YORK

-against-

LAWRENCE WECKER,  
MICHAEL SPEIER,  
JOSEPH GUINTA,  
LISA ROSSI,  
MARCOS PINHEIRO,  
JM3 CONSTRUCTION LLC,  
JACG CONSTRUCTION LLC,  
LNR CONSTRUCTION LLC, and,  
MGS CONSTRUCTION CORP.

Defendants.

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INDICTMENT



**ENTERPRISE CORRUPTION**, P.L. §460.20(1)(a) (all defendants)

**CONSPIRACY IN THE FOURTH DEGREE**, P.L. §105.10(1) (Lawrence Wecker; Michael Speier; Joseph Guinta; JM3 Construction LLC; and JACG Construction LLC)

**CONSPIRACY IN THE FIFTH DEGREE**, P.L. §105.05 (Lawrence Wecker, 2 counts; Michael Speier, 2 counts; Joseph Guinta, 2 counts; Lisa Rossi, 1 count; Marcos Pinheiro, 1 count; JM3 Construction LLC, 2 counts; JACG Construction LLC, 2 counts; LNR Construction LLC, 1 count; and MGS Construction Corp., 1 count)

**INSURANCE FRAUD IN THE FIRST DEGREE**, P.L. §176.30 (Marcos Pinheiro; MGS Construction Corp.)

**INSURANCE FRAUD IN THE SECOND DEGREE**, P.L. §176.25 (Joseph Guinta; JACG Construction LLC)

**GRAND LARCENY IN THE SECOND DEGREE**, P.L. §155.40(1) (Lawrence Wecker; Michael Speier; and JM3 Construction LLC)

**ATTEMPTED GRAND LARCENY IN THE SECOND DEGREE**, P.L. §110/155.40(1) (Lawrence Wecker, 3 counts; Michael Speier, 3 counts; Joseph Guinta, 2 counts; JM3 Construction LLC, 3 counts; and JACG Construction LLC, 2 counts)

**MONEY LAUNDERING IN THE SECOND DEGREE**, P.L. §470.15(1)(b)(ii)(A) and (iii) (Lawrence Wecker, 2 counts; Joseph Guinta, 2 counts; Marcos Pinheiro, 4 counts; JM3 Construction LLC, 2 counts; JACG Construction LLC, 2 counts; MGS Construction Corp., 1 count)

**MONEY LAUNDERING IN THE THIRD DEGREE**, , P.L. §470.10(1)(b)(ii)(A) and (iii) (Marcos Pinheiro, 2 counts; MGS Construction Corp., 2 counts)

**FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, P.L. §175.10 (Lawrence Wecker, 21 counts; Michael Speier, 5 counts; Joseph Guinta, 1 count; Lisa Rossi, 3 counts; Marcos Pinheiro, 12 counts; JM3 Construction LLC, 20 counts; JACG Construction LLC, 1 count; LNR Construction LLC, 3 counts; and MGS Construction Corp., 3 counts)

**COMMERCIAL BRIBING IN THE FIRST DEGREE**, P.L. §180.03 (Lawrence Wecker; Michael Speier; Joseph Guinta; JM3 Construction LLC; and JACG Construction LLC)

**COMMERCIAL BRIBING IN THE SECOND DEGREE**, P.L. §180.00 (Lawrence Wecker, 5 counts; Michael Speier, 2 counts; and JM3 Construction LLC, 5 counts)

**CONTRACT OR AGREEMENT FOR MONOPOLY OR IN RESTRAINT OF TRADE**, G.B.L. §§340(1) and 341 (Lawrence Wecker; Michael Speier; and JM3 Construction LLC)

**SCHEME TO DEFRAUD IN THE FIRST DEGREE**, P.L. §190.65(1)(b) (Lawrence Wecker; Michael Speier; Lisa Rossi; JM3 Construction LLC; and LNR Construction LLC)

**OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE**, P.L. §175.35 (Lawrence Wecker, 7 counts; Michael Speier, 6 counts; Lisa Rossi, 1 count; JM3 Construction LLC, 7 counts; and LNR Construction LLC, 1 count)

**CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE**, P.L. §265.03(3) (Lawrence Wecker)  
**CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE**, P.L. §265.02(1) (Lawrence Wecker)  
**CRIMINAL POSSESSION OF A FIREARM**, P.L. §265.01-b(1) (Lawrence Wecker)  
**PENALTIES FOR FRAUDULENT PRACTICES**, W.C.L. §96(1) (Joseph Guinta; JACG Construction LLC)

ALVIN L. BRAGG, JR., District Attorney

A True Bill

James J. Hanley  
Zachary Weintraub  
Rackets Bureau

Foreman