

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

THE PEOPLE OF THE STATE OF NEW YORK

-against-

SHAMSUDDIN RIZA, and
UNITED CONSTRUCTION BROTHERS
SERVICES, LLC,

Defendants.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants 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 August 9, 2020, to on or about November 9, 2021, with the intent that conduct constituting the felonies of Falsifying Business Records in the First Degree and Offering a False Instrument for Filing 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 falsify business records to make it appear that United Construction Brothers Services, LLC (“UCBS”), a New York State-certified Minority Business Enterprise (“MBE”) operated by Shamsuddin Riza, had performed, and would continue to perform work as a second-tier drywall/carpentry subcontractor when, in fact, UCBS had not performed work as a drywall/carpentry company and did not have any capacity to do so. The goal was for UCBS to join the approved vendor list and/or bid list for certain general contractor firms. The defendants Shamsuddin Riza and UCBS conspired with JM3 Construction LLC, Lawrence Wecker (JM3 Construction LLC’s principal), and others, to enable JM3 Construction LLC, a non-MBE drywall/carpentry firm, to obtain contracts that required MBE participation. The conspirators agreed that JM3 Construction LLC would pay a percentage fee to the defendants for allowing JM3 Construction LLC to use UCBS’s name and MBE certification status to obtain lucrative contracts for construction projects in New York.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, during the period from on or about August 9, 2020, to on or about November 9, 2021, the following overt acts, among others, were committed:

1. On or about August 9, 2020, Shamsuddin Riza submitted an MBE application to New York State Empire State Development, located in New York County, on behalf of UCBS. The application stated in substance that UCBS had not provided any goods or services within the last three years, and did not currently have any active projects. The application contained a letter of support from Lawrence Wecker and JM3 Construction LLC, which stated in substance that UCBS was “familiar with all safety procedures for construction site safety.”
2. On or about October 18, 2020, Shamsuddin Riza sent an email to Individual-1, the Chairman and Founder of General Contractor-1 (“GC-1”), copying Lawrence Wecker, a principal of JM3 Construction LLC, in which Shamsuddin Riza requested a meeting between GC-1 and JM3 Construction LLC to discuss UCBS working with JM3 Construction LLC on GC-1 projects. Attached to the email was UCBS’s MBE certificate. GC-1 responded to the email by copying another employee of GC-1 (“Individual-2”) who could, in substance, “better help you qualify on our jobs as an MWBE.”
3. From on or about October 19, 2020, to on or about October 22, 2020, Shamsuddin Riza sent two emails to Individual-2, copying Individual-1 and Lawrence Wecker, requesting information about GC-1’s MBE qualifying process for UCBS.
4. On or about March 31, 2021, Shamsuddin Riza emailed LaShawn Henry, a construction industry consultant employed by General Contractor-2 (“GC-2”) in connection with minority hiring. Attached to the email were UCBS’s MBE certifications, Shamsuddin Riza’s resume, and other related documents.

5. On or about March 31, 2021, Individual-3, an Outreach Coordinator for GC-2, emailed Shamsuddin Riza, stating in substance that LaShawn Henry had provided UCBS's information to GC-2 and requested Shamsuddin Riza to complete a Prequalification Survey form for UCBS.
6. On or about April 7, 2021, Shamsuddin Riza forwarded the March 31, 2021, email from Individual-3 to Lawrence Wecker, stating in substance, "It's the last part that I need your help with Preliminary intake / Work history with [JM3 Construction LLC]!"
7. On or about April 12, 2021, in a telephone conversation in New York County with Shamsuddin Riza, Lawrence Wecker agreed in substance to prepare a false business record for the GC-2 Prequalification Survey, which would state in substance that UCBS had performed drywall work as a JM3 Construction LLC subcontractor.
8. During the April 12, 2021, telephone conversation in New York County, Shamsuddin Riza stated in substance to Lawrence Wecker, "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."
9. On or about April 13, 2021, Shamsuddin Riza sent an email to Lawrence Wecker, attaching the second page of the GC-2 Prequalification Survey, which included space for a description of the last three projects UCBS had worked on or completed within the last three years. In the body of the email, Shamsuddin Riza stated in substance, "I just need to get this to them by tomorrow afternoon ... So can you please fill in the blanks for me because I do not have and cant find it."

10. On or about April 13, 2021, Shamsuddin Riza sent an email to co-conspirator-1 (“CC-1”), the President of General Contractor-3 (“GC-3”), stating in substance, “I Just need to show one job for 2019 you can write it in and I will redo the per qualification application over. [GC-3] would be a great look for my company, ‘United Construction Brothers Services LLC.’”
11. On or about April 13, 2021, Shamsuddin Riza emailed a completed Prequalification Intake form to Individual-3 at GC-2, and blind copied Lawrence Wecker and CC-1. The attached listed three projects, as follows: Project 1 at 1465 Park Ave, Date: 7/2020, Contract Value: 55,000.00, Trade Performed: Carpentry/Drywall, Contact: Lawrence Wecker; Project 2 at Fred E Samuel, Date: 6/2018, Contract Value: 110,000.00, Trade Performed: General Contractor, Contact: Individual-4; and Project 3 at [GC-4] 118th, Date: 9/2019, Contract Value: 25,000.00, Trade Performed: Drywall/Framing, Contact: CC-1.
12. On or about May 27, 2021, in a telephone conversation, Lawrence Wecker stated in substance to Shamsuddin Riza, “I’m figuring a job, the National Urban League for [GC-1] . . . they want me to give them a black gentleman, a black carpentry contractor . . . for the whole job . . . I wanna give them you and then we’ll work something out. Like, you’ll sub it out to me underneath or something. You know what I mean?”
13. In the telephone conversation on or about May 27, 2021, with Lawrence Wecker, Shamsuddin Riza stated in substance that he would send Lawrence Wecker UCBS’s MBE certification information.

14. On or about September 20, 2021, in a telephone conversation with Shamsuddin Riza, LaShawn Henry stated in substance, “I put you and Larry [Wecker] in for a job in Brooklyn, and I told Greg that the only way that JM3 should get it is as long as you’re on it.”
15. In the telephone conversation on or about September 20, 2021, with LaShawn Henry, Shamsuddin Riza replied in substance, “Alright, if Greg makes me the prime, that kind of saves Larry . . . Because he doesn’t have to commit, where he’d say, ‘Yo, this is Riza’s job. Riza’s the prime contractor.’ . . . You know, Larry would still wind up with what he wants . . . But I’ll be able to save him from the other areas . . . Because Larry and I have had that conversation before anyway.”

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Penal Law §175.10, committed as follows:

The defendant, in the County of New York and elsewhere, during the period from on or about March 31, 2021, to on or about April 13, 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 General Contractor-2, to wit, a subcontractor prequalification form.

ALVIN L. BRAGG, JR.

District Attorney

7th Additional Grand Jury for the 1st Term; GJ Case # 3H

Filed:

NA

No.

THE PEOPLE OF THE STATE OF NEW
YORK

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SHAMSUDDIN RIZA,
UNITED CONSTRUCTION BROTHER
SERVICES, LLC

Defendants.

INDICTMENT

CONSPIRACY IN THE FIFTH DEGREE, P.L. §105.05
FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, P.L. §175.10

ALVIN L. BRAGG, JR., District Attorney

A True Bill

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