

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

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THE PEOPLE OF THE STATE OF NEW YORK,

-against-

INDICTMENT

ERIC ULRICH,
JOSEPH LIVRERI,
ANTHONY LIVRERI, and
MICHAEL MAZZIO

Defendants.

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THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment accuses the defendants Eric Ulrich, Joseph Livreri, Anthony Livreri, and Michael Mazzio, of the crime of CONSPIRACY IN THE FOURTH DEGREE, in violation of Penal Law § 105.10(1), committed as follows:

The defendants Eric Ulrich, Joseph Livreri, Anthony Livreri, and Michael Mazzio in New York County and elsewhere, from on or about January 5, 2021, to on or about November 1, 2022, with intent that conduct constituting the crimes of Bribery in the Second Degree, in violation of Penal Law § 200.03, and Bribe Receiving in the Second Degree, in violation of Penal Law § 200.11, said crimes being Class C felonies, be committed, knowingly and intentionally agreed with others, known and unknown, to engage in and cause the performance of such conduct that constitutes the above-mentioned class C felonies.

PREAMBLE

It was the purpose of this conspiracy for Eric Ulrich, a former New York City Councilman for District 32 (February 2009 to December 2021), a former Senior Advisor to

Mayor Eric Adams (January 2022 to April 2022), and the former NYC Department of Buildings Commissioner (“DOB”) (May 2022 to November 2022), to use his authority and influence in those positions for the benefit of Joseph Livreri, Anthony Livreri, and Michael Mazzio, and entities owned or controlled by them, and others, known and unknown, in exchange for United States currency and gifts, including a premium season ticket package to the New York Mets.

It was also part of this conspiracy for Joseph Livreri, Anthony Livreri, Michael Mazzio, and others, known and unknown, to give Eric Ulrich money, which he used, among other things, to fund his gambling at public casinos as well as at a private, illegal gambling club located at 89-02 101st Avenue, Ozone Park, New York, called the 89th Street Café, which is owned and operated in part by Joseph Livreri.

It was also part of this conspiracy for Eric Ulrich to employ Joseph Livreri as a part-time aide to Eric Ulrich when he was a councilman until the end of his term in 2021.

It was also part of this conspiracy for Eric Ulrich, while acting with the purported authority of the Mayor’s Office, to secure and to attempt to secure New York City government employment on behalf of co-conspirators and their family members by referring such individuals for positions at New York City agencies, including positions for Joseph Livreri and Michael Mazzio’s daughter.

It was also part of this conspiracy for Joseph Livreri to omit or falsify certain information on New York City government employment documentation that would have otherwise disqualified him from such employment, including his non-New York City residency and his ties to the 89th Street Café.

It was also part of this conspiracy for Joseph Livreri to act as an intermediary between Eric Ulrich and other co-conspirators to insulate Eric Ulrich from the ongoing bribery scheme.

It was also part of this conspiracy for Eric Ulrich to provide and to agree to provide to Joseph Livreri and Anthony Livreri and their businesses help with New York City agencies, including an expedited inspection of health violations at Aldo's Pizzeria.

It was also part of this conspiracy for Eric Ulrich, at the request of Joseph Livreri and Anthony Livreri, to provide and agree to provide an expedited DOB inspection, which resulted in DOB amending a vacate order for an entity doing business as Fortunato Brothers Bakery ("Fortunato Brothers") after the business was shut down due to a fire.

It was also part of this conspiracy for Eric Ulrich to provide Joseph Livreri, Anthony Livreri, Michael Mazzio, and others known and unknown, access to Mayor Adams and other high-ranking officials within New York City government and within the Eric Adams administration by inviting them to exclusive events and dinners to demonstrate his ability to deliver on promises made to co-conspirators.

It was also part of this conspiracy for Michael Mazzio and Joseph Livreri to use their access to said high-ranking officials to attempt to obtain exclusive contracts for arterial towing for Mike's Heavy Duty Towing, a business operated and controlled by Michael Mazzio, and to attempt to convince said officials to disqualify a competitor's existing arterial towing contract.

It was also part of this conspiracy for Eric Ulrich to agree to assist Michael Mazzio to resolve existing issues relating to Mike's Heavy Duty Towing's tow truck company license issued by the New York City Department of Consumer and Workers Protection ("DCWP")

It was also part of this conspiracy for Eric Ulrich to make recommendations for certain positions within the administration that would be beneficial to Joseph Liveri, Anthony Livreri, Michael Mazzio, and others, including the DCWP Commissioner.

It was also part of this conspiracy for Eric Ulrich, Joseph Livreri, Anthony Livreri, and Michael Mazzio to communicate with each other and others using codes and cryptic language, and an encrypted messaging application over telephones and cellphones.

Overt Acts

In furtherance of said conspiracy, and to achieve the object crimes thereof, the following overt acts, among others, were committed:

1. On January 5, 2021, Joseph Livreri, through his company Mr. B Brothers Pizzeria LLC, paid Eric Ulrich \$300 via Zelle.
2. On February 1, 2021, Joseph Livreri paid Eric Ulrich \$400 via Zelle.
3. On March 10, 2021, Joseph Livreri paid Eric Ulrich \$300 via Zelle.
4. On May 24, 2021, Joseph Livreri paid Eric Ulrich \$400 via Zelle.
5. On September 8, 2021, Joseph Livreri paid Eric Ulrich \$400 via Zelle.
6. On October 19, 2021, Eric Ulrich met with Michael Mazzio at the Cross Bay Diner, located at 160-31 Cross Bay Blvd., Howard Beach, New York (“the Cross Bay Diner”).
7. On October 19, 2021, Eric Ulrich met with Anthony Livreri at Aldo’s Pizzeria located at 137-01 Cross Bay Blvd, Ozone Park, New York (“Aldo’s Pizzeria”).
8. On October 22, 2021, Eric Ulrich met with Joseph Livreri at the Cross Bay Diner.

9. On October 22, 2021, Eric Ulrich deposited \$700 at a JPMorgan Chase bank branch located at 156-33 Cross Bay Blvd., Howard Beach, New York.
10. On December 27, 2021, Eric Ulrich met with Anthony Livreri, Joseph Livreri, Michael Mazzio, another person known to the grand jury (“John Doe 1”), and Mayor-elect Eric Adams at Aldo’s Pizzeria with the anticipation that Mayor-elect Adams would name Eric Ulrich to his new administration. Eric Ulrich was subsequently named Senior Advisor to the Mayor.
11. On January 14, 2022, in a telephone conversation with Eric Ulrich, Joseph Livreri stated in part, “I met with my friend from the garbage company... I got the texts that they sent me...I don’t know if I should send them to you So, I could talk to these guys again and say, you know, ‘It’s gonna be taken care of,’” referring to delaying the implementation and bid process for the New York City Commercial Waste Zone program.
12. On January 14, 2022, in a telephone conversation, Eric Ulrich instructed Joseph Livreri, in sum and substance, to send him the screenshots via Signal, a third-party, end-to-end encrypted, messaging application.
13. On January 14, 2022, in a telephone conversation, Joseph Livreri told John Doe #1, in sum and substance, that Eric Ulrich had recommended a candidate for “consumers,” referring to the vacant position for DCWP Commissioner. John Doe #1 responded, “that’s a big deal for Mike [Mazzio].”
14. On January 29, 2022, Joseph Livreri and Michael Mazzio had a series of conversations with each other and with Mayor Adams’s Chief Advisor in an attempt

- to get authorization for Mike's Heavy Duty Towing to tow from New York City's highways during a snowstorm, and to convince Mayor Adams's Chief Advisor and other high-ranking New York City officials to remove a competing tow truck company from its arterial towing contract with New York City.
15. On February 1, 2022, in a telephone conversation, Joseph Livreri told John Doe 1 that Eric Ulrich "hit him up" for money prior going to going Resorts World New York.
 16. On February 1, 2022, Eric Ulrich and Michael Mazzio discussed Eric Ulrich helping Michael Mazzio's daughter obtain a higher-paying position with the New York City Department of Corrections ("DOC").
 17. On February 1, 2022, Eric Ulrich called the DOC Commissioner from New York County and told him he would "send over one or two names."
 18. Later, on February 1, 2022, Eric Ulrich emailed the DOC Commissioner from his personal email account and attached Michael Mazzio's daughter's resume with the message, "this one is from the boss."
 19. On February 2, 2022, Eric Ulrich called the DOC Commissioner from New York County and told him "[Michael Mazzio's daughter] was the priority."
 20. On February 5, 2022, after speaking with the DOC Commissioner, Eric Ulrich told Michael Mazzio, in sum and substance, that the DOC Commissioner had offered Michael Mazzio's daughter a position as a policy analyst at DOC with a starting salary of \$52,000, approximately \$20,000 more a year than she had been making.
 21. On February 7, 2022, Michael Mazzio sent Eric Ulrich \$500.

22. On February 14, 2022, Anthony Livreri called Eric Ulrich and stated that he was “in a little bit of a problem right now” because an inspector from the New York City Department of Health and Mental Hygiene (“DOHMH”) wanted to shut down Aldo’s Pizzeria due to multiple health code violations.
23. On February 14, 2022, after informing Eric Ulrich that Aldo’s Pizzeria was, in fact, being shut down by DOHMH, Anthony Livreri told Eric Ulrich “I need fucking help...Please, Eric. I just need your help.”
24. On February 14, 2022, Eric Ulrich called a person known to the grand jury (“John Doe 2”), the director of the Mayor’s Community Affairs Unit (“CAU”), and stated, “The Mayor’s favorite restaurant in Queens got shut down tonight by the Board of Health.”
25. On February 14, 2022, Eric Ulrich called a person known to the grand jury (“John Doe 3”), John Doe 2’s Chief of Staff, stating, “The Health Department shut them down. So, all we need to do is make sure they get a speedy reinspection so they can reopen.”
26. On February 15, 2022, Eric Ulrich called John Doe 3 and asked, “Can you call the Health Department and try to get an inspection there for tomorrow morning at that pizzeria? . . . Just get it for the morning for Aldo’s, and let me know, you know, when you can.”
27. On February 15, 2022, Eric Ulrich asked Joseph Livreri to send him \$300.
28. On February 15, 2022, Joseph Livreri sent Eric Ulrich \$300.

29. On February 16, 2022, Eric Ulrich called Joseph Livreri from New York County and put Joseph Livreri on the phone with Mayor Adams's Chief Advisor to explain why Aldo's Pizzeria was shut down.
30. On February 16, 2022, Eric Ulrich called John Doe 3 from New York County and asked for an update on Aldo's re-inspection.
31. On February 19, 2022, Eric Ulrich and Michael Mazzio attended an event at Citi Field and agreed to purchase a 20-game premium season ticket package from the New York Mets.
32. On February 21, 2022, Eric Ulrich met with Anthony Livreri, Joseph Livreri, John Doe 1, two other people known to the grand jury, and Mayor Eric Adams at Vetro Restaurant and Lounge located at 164-49 Cross Bay Blvd.
33. On February 22, 2022, during a phone conversation among Eric Ulrich, Michael Mazzio, and a New York Mets ticket representative, Michael Mazzio told the representative, in sum and substance, to call him and "Jasmine" the following day for a down payment on the tickets.
34. On February 23, 2022, Michael Mazzio had a check issued from Mike's Heavy Duty Towing to the New York Mets for \$4832 as a partial payment for the 20-game premium season ticket package.
35. On February 24, 2022, Michael Mazzio paid Eric Ulrich \$100 using his daughter's Venmo account.
36. On March 9, 2022, Anthony Livreri called Eric Ulrich and asked him for assistance in rescinding a vacate order issued by DOB to Fortunato Brothers after a fire.

37. On March 9, 2022, Joseph Livreri called Eric Ulrich again to request his assistance in rescinding the same vacate order issued to Fortunato Brothers.
38. On March 10, 2022, Joseph Livreri and Eric Ulrich met at the Cross Bay Diner.
39. On March 10, 2022, while with Joseph Livreri at the Cross Bay Diner, Eric Ulrich called a person known to the grand jury (“John Doe 4”), an architect representing Fortunato Brothers and told him that he was going to call the DOB Commissioner.
40. On March 10, 2022, while with Joseph Livreri at the Cross Bay Diner, Eric Ulrich called the DOB Commissioner and stated, “I just want to make sure they’re not sending the wrong inspector to say, ‘Oh no, you can’t get a partial vacate.’”
41. On March 10, 2022, while with Eric Ulrich at the Cross Bay Diner, Joseph Livreri called Anthony Livreri and said, “Tell [the nephew of Fortunato Brothers’ owner] not to call anybody anymore.”
42. On March 10, 2022, while with Eric Ulrich at the Cross Bay Diner, Joseph Livreri called the nephew of Fortunato Brothers’ owner and told him that he had been “working on this already this morning,” and further instructed him, in sum and substance, not to make any more calls regarding the vacate order. They then arranged to meet in person at Fortunato Brothers.
43. On March 10, 2022, Eric Ulrich met with the DOB Commissioner in the vicinity of City Hall in New York County to discuss rescinding the vacate order issued to Fortunato Brothers.
44. On March 10, 2022, while with the DOB Commissioner in the vicinity of City Hall, in New York County, Eric Ulrich called John Doe 4 and informed him that there

- was nothing in the system regarding a reinspection for Fortunato Brothers. During the conversation, the DOB Commissioner told John Doe 4 that someone from DOB would contact him directly about rescinding the vacate order.
45. On March 10, 2022, Joseph Livreri met with the nephew of Fortunato Brothers' owner at Fortunato Brothers.
 46. On March 10, 2022, during a phone conversation with Anthony Livreri, Joseph Livreri stated in sum and substance that he had just left Fortunato Brothers and that "he got it done," referring to Eric Ulrich's assistance in rescinding the full vacate order for Fortunato Brothers.
 47. On March 10, 2022, during a phone conversation with Joseph Livreri, Anthony Livreri confirmed that the nephew of Fortunato Brothers' owner "knew the four, right," meaning a \$4000 payment.
 48. On March 11, 2022, Eric Ulrich and Joseph Livreri met at the Cross-Bay Diner and then got into Joseph Livreri's white Dodge Ram pickup truck where Joseph Livreri gave Eric Ulrich US Currency.
 49. On March 11, 2022, Ulrich deposited \$1000 at a JPMorgan Chase bank branch located at 156-33 Cross Bay Blvd.
 50. On March 23, 2022, Michael Mazzio paid \$4589 to the New York Mets toward Eric Ulrich's 20-game premium season ticket package using a Mike's Heavy Duty Towing corporate credit card ending 8459.

51. On March 23, 2022, Michael Mazzio paid \$4975 to the New York Mets for 10 tickets to the Mets-Yankees subway series at Citi Field in July 2022, using a Mike's Heavy Duty Towing corporate credit card ending 8459.
52. On March 25, 2022, while in the vicinity of City Hall in New York County, Eric Ulrich electronically signed the contract with the New York Mets for the 20-game premium season ticket package.
53. On May 9, 2022, Eric Ulrich and Michael Mazzio met with John Doe 1 at the Cross Bay Diner and they all placed their cellphones on a windowsill approximately 10 feet from where they were seated.
54. On June 27, 2022, Eric Ulrich, Joseph Livreri, and Michael Mazzio met with John Doe 1 and Mayor Adams's Chief Advisor at Philippe Chow, a restaurant located at 33 East 60th Street in New York County.
55. On or about July 27, 2022, Michael Mazzio transferred three tickets for the Mets-Yankees subway series to Eric Ulrich.
56. On September 17, 2022, Michael Mazzio sent Eric Ulrich \$500 using his daughter's Venmo account.

Count 2

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendant Michael Mazzio of the crime of BRIBERY IN THE SECOND DEGREE, in violation of Penal Law § 200.03, committed as follows:

The defendant, in the County of New York and elsewhere, during the period from on or about August 5, 2021, to on or about November 1, 2022, conferred, and offered and agreed to confer, a benefit in excess of \$5000 upon a public servant upon an agreement and understanding that such public servant's vote, opinion, judgment, action, decision and exercise of discretion as a public servant would thereby be influenced.

Count 3

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Eric Ulrich of the crime of BRIBE RECEIVING IN THE SECOND DEGREE, in violation of Penal Law § 200.11, committed as follows:

The defendant, in the County of New York and elsewhere, during the period from on or about August 5, 2022, to on or about November 1, 2022, being a public servant, solicited, accepted and agreed to accept a benefit in excess of \$5000 from another person upon an agreement and understanding that such public servant's vote, opinion, judgment, action, decision and exercise of discretion as a public servant would thereby be influenced.

Count 4

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendant Michael Mazzio of the crime of BRIBERY IN THE THIRD DEGREE, in violation of Penal Law § 200.00, committed as follows:

The defendant, in the County of New York and elsewhere, during the period from on or about February 1, 2022, to on or about May 2, 2022, conferred, and offered and agreed to confer, a benefit upon a public servant upon an agreement and understanding that such public servant's vote, opinion, judgment, action, decision and exercise of discretion as a public servant would thereby be influenced.

Count 5

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Eric Ulrich of the crime of BRIBE RECEIVING IN THE THIRD DEGREE, in violation of Penal Law § 200.10, committed as follows:

The defendant, in the County of New York and elsewhere, during the period from on or about February 1, 2022, to on or about March 5, 2022, being a public servant, solicited, accepted and agreed to accept a benefit from another person upon an agreement and understanding that such public servant's vote, opinion, judgment, action, decision and exercise of discretion as a public servant would thereby be influenced.

Count 6

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants Joseph Livreri and Anthony Livreri of the crime of BRIBERY IN THE THIRD DEGREE, in violation of Penal Law § 200.00, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about February 14, 2022, to on or about February 17, 2022, conferred, and offered and agreed to confer, a benefit upon a public servant upon an agreement and understanding that such public servant's vote, opinion, judgment, action, decision and exercise of discretion as a public servant would thereby be influenced.

Count 7

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Eric Ulrich of the crime of BRIBE RECEIVING IN THE THIRD DEGREE, in violation of Penal Law § 200.10, committed as follows:

The defendant, in the County of New York and elsewhere, during the period from on or about February 14, 2022, to on or about February 17, 2022, being a public servant, solicited, accepted and agreed to accept a benefit from another person upon an agreement and understanding that such public servant's vote, opinion, judgment, action, decision and exercise of discretion as a public servant would thereby be influenced.

Count 8

AND THE GRAND JURY AFORESAID, by this indictment, accuses the defendants Joseph Livreri and Anthony Livreri of the crime of BRIBERY IN THE THIRD DEGREE, in violation of Penal Law § 200.00, committed as follows:

The defendants, in the County of New York and elsewhere, during the period from on or about March 9, 2022, to on or about March 11, 2022, conferred, and offered and agreed to confer, a benefit upon a public servant upon an agreement and understanding that such public servant's vote, opinion, judgment, action, decision and exercise of discretion as a public servant would thereby be influenced.

Count 9

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Eric Ulrich of the crime of BRIBE RECEIVING IN THE THIRD DEGREE, in violation of Penal Law § 200.10, committed as follows:

The defendant, in the County of New York and elsewhere, during the period from on or about March 9, 2022, to on or about March 11, 2022, being a public servant, solicited, accepted and agreed to accept a benefit from another person upon an agreement and understanding that such public servant's vote, opinion, judgment, action, decision and exercise of discretion as a public servant would thereby be influenced.

ALVIN L. BRAGG, JR.

District Attorney

GJ #8, 1st term – 2B

Filed:

NA

No.

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Eric Ulrich,
Joseph Livreri,
Anthony Livreri,
Michael Mazzio

Defendants.

INDICTMENT

CONSPIRACY IN THE FOURTH DEGREE, P.L. § 105.10(1)
BRIBERY IN THE SECOND DEGREE, P.L. § 200.03 – DEF Mazzio - 1 count
BRIBE RECEIVING IN THE SECOND DEGREE, P.L. § 200.11 – DEF Ulrich – 1 count
BRIBERY IN THE THIRD DEGREE, P.L. § 200.00 – DEF J. Livreri – 2 counts, A. Livreri – 2 counts, Mazzio – 1 count
BRIBE RECEIVING IN THE THIRD DEGREE, P.L. § 200.10 – DEF Ulrich – 3 counts

ALVIN L. BRAGG, JR., District Attorney

A True Bill

Guy R. Tardanico
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Assistant District Attorneys
Rackets Bureau

Foreman

ADJOURNED TO PART _____ ON _____