

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 and  
MARK CALLER

Defendants.

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

The defendants Eric Ulrich and Mark Caller, in New York County and elsewhere, from on or about December 17, 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), former Senior Advisor to Mayor Eric Adams (January 2022 to April 2022), and former NYC Department of Buildings Commissioner (“DOB”) (May 2022 to November 2022), to use his authority and influence in

as Senior Advisor and DOB Commissioner for the benefit of Mark Caller, the CEO of the Marcal Group, a real estate development firm, and others, known and unknown, in exchange for multiple benefits, including a discounted apartment in a beach front property with furniture, a parking space, additional storage, and window treatments at no additional cost.

It was also part of this conspiracy for Eric Ulrich, while acting with the purported authority of the Mayor's Office, to influence and to attempt to influence the New York City Department of City Planning ("DCP") to approve a zoning change for a project owned and developed by Mark Caller and the Marcal Group located at 155 Beach 115<sup>th</sup> Street in Rockaway Park, New York.

It was also part of this conspiracy for Eric Ulrich, while acting with the purported authority of the Mayor's Office, to influence other New York City employees and agencies, including the New York City Department of Buildings ("DOB") and the New York City Fire Department ("FDNY"), to conduct an inspection of a building located at 158 Beach 116<sup>th</sup> Street, Rockaway Park, New York, a multiple-dwelling for low income residents, which is adjacent to 155 Beach 115<sup>th</sup> Street.

It was also part of this conspiracy for Eric Ulrich as DOB Commissioner to connect Mark Caller to other high-ranking DOB employees to expedite requests for Marcal Group projects.

It was also part of this conspiracy for Eric Ulrich and Mark Caller 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 December 17, 2021, in a telephone conversation, Eric Ulrich told Mark Caller that he was going to be on the “inner circle,” referring to a senior position within the Eric Adams administration.
2. On February 3, 2022, in a telephone conversation from New York County, Mark Caller told Eric Ulrich, “I just need your help on that matter. There’s millions and millions of dollars...that many, many partners that have been waiting, you know, for the administration to change...Now I need City Planning and you to help me,” referring to the 155 Beach 115th Street Project.
3. On February 11, 2022, in a telephone conversation from New York County, Eric Ulrich told Mark Caller, in sum and substance, that he would call the DCP Director about “a couple of projects that are the Mayor’s agenda,” including 155 Beach 115 Street.
4. On February 21, 2022, Eric Ulrich, Mark Caller, Mayor Eric Adams, and others were together at Vetro Restaurant and Lounge, located at 164-49 Cross Bay Blvd., Queens, New York.
5. On February 21, 2022, Eric Ulrich sent a text message to the DCP Director requesting the status of the 155 Beach 115<sup>th</sup> Street Project.
6. On February 21, 2022, Eric Ulrich sent a text message to the DCP Director providing Mark Caller’s contact information.

7. On February 22, 2022, Eric Ulrich called the DCP Director regarding the 155 Beach 115<sup>th</sup> Street Project and the DCP Director agreed to call Mark Caller.
8. On March 9, 2022, Eric Ulrich called the DCP Director regarding the status of a property owned by Mark Caller. The DCP Director confirmed that he had a meeting scheduled with Mark Caller and that the DCP would “walk him and his lawyers through what [they believed was] a path for him.”
9. On March 10, 2022, Eric Ulrich called Mark Caller and summarized his conversation with the DCP Director and stated, “I see a path here for you.”
10. On March 19, 2022, Eric Ulrich called Mark Caller and stated, in sum and substance, that he needed to find a new place to live.
11. On March 19, 2022, during that same conversation, Mark Caller offered Eric Ulrich an apartment in one of his buildings, referring to 133 Beach 116<sup>th</sup> Street, Rockaway Park (located across the street from 155 Beach 115<sup>th</sup> Street). Mark Caller stated, “I can figure something out for you. What do you need?”
12. On March 20, 2022, Eric Ulrich and Mark Caller met at 133 Beach 116<sup>th</sup> Street to view potential apartments.
13. On March 21, 2022, Mark Caller sent Eric Ulrich an email with the subject Beach 116<sup>th</sup> Apartment 4G, which stated, “Price was originally 654k; we lowered it to 637k. (I can probably get it down to 625k if our lender agrees) That’s \$550 -\$565 PSF – We could give you a 12 month lease at \$2000 per month and any rent that is paid would be posted against a down payment during the first year. . . .” In the same email, Mark Caller also offered to cover the closing costs.

14. On March 22, 2022, in a telephone conversation, Mark Caller agreed to include a parking spot worth \$200 a month at no additional charge. Later in the conversation, Mark Caller mentioned the outstanding development project at 155 Beach 115<sup>th</sup> Street with DCP.
15. On March 22, 2022, in that same call, Eric Ulrich asked Mark Caller if there were any units available on the fifth floor of 133 Beach 116<sup>th</sup> Street.
16. On March 24, 2022, Eric Ulrich sent Mark Caller a WhatsApp message informing Mark Caller that he was interested in a unit on the fifth floor.
17. On March 24, 2022, in a separate WhatsApp message to Mark Caller, Eric Ulrich stated, “the guy across the street has got to go,” referring to 158 Beach 116<sup>th</sup> Street, a multiple-dwelling used for low income residents.
18. On March 24, 2022, Mark Caller sent Eric Ulrich a WhatsApp message, stating, “There has to be a way to put 158 B116th out of business. It’s an absolute disgrace.”
19. On March 24, 2022, Mark Caller sent Eric Ulrich an email noting that the asking price for the fifth floor apartment was \$705,000.
20. On March 24, 2022, in a telephone conversation with Eric Ulrich, Mark Caller offered to leave the furniture in the apartment.
21. On March 24, 2022, in that same conversation, Eric Ulrich stated to Mark Caller, in sum and substance, that the FDNY and DOB have to go to 158 Beach 116<sup>th</sup> Street as “task force,” and “they might have to vacate the fucking thing. . . . It’ll take months to get it reopened.”

22. On March 25, 2022, Eric Ulrich sent a WhatsApp message to Mark Caller asking if he had spoken to his partners about the price for the fifth floor apartment.
23. On March 25, 2022, Mark Caller sent Eric Ulrich an email stating the following:  
“Price \$675,000. \$2000 per month Rent would be used towards down payment.”
24. On March 25, 2022, Mark Caller sent a WhatsApp message to Eric Ulrich stating,  
“We will cover all the closing expenses.”
25. On March 28, 2022, in a telephone conversation from New York County, Eric Ulrich told a person known to the grand jury (“Jane Doe #1”), a member of the New York State Assembly, “I want to send the Fire Department, the Buildings Department . . . over there to check it out,” referring to “that shelter on Beach 116.” Jane Doe #1 agreed to send an email to the DOB to request the inspection.
26. On March 28, 2022, in a telephone conversation from New York County, Eric Ulrich told Mark Caller, “We’re going to send buildings department and fire department this week, and there’s a good chance they may vacate the building,” referring to 158 Beach 116<sup>th</sup> Street.
27. On March 28, 2022, in a telephone conversation from New York County, Eric Ulrich told Jane Doe #1, in sum and substance, to make sure FDNY and DOB issue a full vacate order so the occupants can be moved by the New York City Department of Homeless Services into alternative housing units.
28. On March 28, 2022, Eric Ulrich and Mark Caller met each other at the Dunkin’ Donuts on Broadway near City Hall in New York County.

29. On March 28, 2022, Eric Ulrich sent Mark Caller a WhatsApp message stating, “Thanks for stopping by City Hall. It was a very productive day for the both of us.”
30. On March 29, 2022, Mark Caller sent Eric Ulrich a WhatsApp message stating, “I have approval at 650k.”
31. On April 4, 2022, Eric Ulrich called a DOB employee (John Doe # 1) from New York County to confirm that the joint DOB-FDNY inspection was scheduled for the following day.
32. On April 4, 2022, Eric Ulrich called Mark Caller from New York County to tell him that the joint DOB-FDNY inspection was scheduled for the following day. Mark Caller gave Eric Ulrich an update on furniture and window treatments for his new apartment.
33. On April 4, 2022, in that same call, Mark Caller told Eric Ulrich, in sum and substance, that if they did not get the rezoning on 155 Beach 115<sup>th</sup> Street from DCP, they would be in jeopardy of losing a tax abatement for that property. Mark Caller told Eric Ulrich, in sum and substance, that he had filed for building permits on Beach 115<sup>th</sup> Street.
34. On April 5, 2022, Eric Ulrich called John Doe #1 for the results of the joint DOB-FDNY inspection. John Doe # 1 stated that he told the inspector to “be creative.”
35. On April 7, 2022, Eric Ulrich called the then DOB Commissioner from New York County to ask for the former Commissioner’s assistance with another Marcal Group property.

36. On April 11, 2022, Eric Ulrich called Mark Caller from New York County. Mark Caller stated, in sum and substance, that he had submitted plans to the DOB on 155 Beach 115<sup>th</sup> Street and that “we’re desperate to get into the ground now because otherwise we’re going to lose that project,” referring to a soon-to-be expiring tax abatement for that property.
37. On April 11, 2022, during that same call, Mark Caller told Eric Ulrich that he was waiting for FDNY to conduct an inspection on a different property.
38. On April 11, 2022, Eric Ulrich called a high-ranking City Hall official from New York County to expedite an FDNY inspection for a Marcal Group property.
39. On April 19, 2022, Mark Caller sent Eric Ulrich a WhatsApp message informing him that his new apartment would be ready that weekend (although the lease did not officially start until May 1, 2022).
40. On April 21, 2022, Eric Ulrich called Mark Caller from New York County and informed him that he was anticipating being named DOB Commissioner and arranged to take early possession of his new apartment.
41. On April 26, 2022, Eric Ulrich called Mark Caller from New York County and stated, “I have to be a little bit more careful because I can’t be conflicted. . . . If you have to communicate with me about something directly, about something involving a property you own, maybe it’s better if it comes from the councilwoman or the elected officials, so that we’re working on it at their requests. . . . We have to do it smart.” Mark Caller asked if Eric Ulrich needed anything done in the unit.

42. On April 29, 2022, in a telephone conversation, Eric Ulrich told his girlfriend, with whom he would be splitting the apartment, in sum and substance, that it would “look bad” if Mark Caller rented them their unit, a two-bedroom apartment, for \$2000 a month, when the lowest rent in the building was \$2,650 for one-bedroom apartments. Eric Ulrich explained that Mark Caller was going to give them “the first three months free” and then pay \$2650 for the remaining nine months to reach the same annual rent. Eric Ulrich confirmed that after the first year, the rent would be applied towards the down payment.
43. On May 13, 2022, in a telephone conversation, Mark Caller told Eric Ulrich, “We never got those objections on that job, on 115<sup>th</sup> Street. We’re running against the clock.”
44. On May 13, 2022, Eric Ulrich initiated a three-way call among Mark Caller, a senior DOB employee and himself to discuss 155 Beach 115<sup>th</sup> Street.
45. On May 13, 2022, Eric Ulrich initiated a three-way call among Mark Caller, another senior DOB employee, and himself about expediting an appointment related to a Marcal Group project.
46. On June 8, 2022, Eric Ulrich and Mark Caller, via WhatsApp, arranged to meet in person at 8:15 the following morning near 133 Beach 116<sup>th</sup> Street.
47. On June 10, 2022, Eric Ulrich sent Mark Caller the following WhatsApp message: “We should have [the Marcal Group project] Foam Place settled by Monday. The zoning attorneys here are always the last to get on board.”

48. On June 28, 2022, Mark Caller and Eric Ulrich met in New York County in the vicinity DOB's headquarters.

49. On August 25, 2022, Mark Caller sent Eric Ulrich a series of WhatsApp messages related to a pending DOB application for a Marcal Group project.

50. On October 27, 2022, Eric Ulrich and Mark Caller met in the vicinity of 133 Beach 116<sup>th</sup> Street, Rockaway Park, Queens.

### **Count 2**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant Mark Caller 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 December 17, 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 December 17, 2021, 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.

ALVIN L. BRAGG, JR.  
District Attorney

GJ #8, 1st term – 2C

Filed:

NA

No.

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Mark Caller  
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INDICTMENT

CONSPIRACY IN THE FOURTH DEGREE, P.L. § 105.10(1)  
BRIBERY IN THE SECOND DEGREE, P.L. § 200.03 – DEF Caller – 1 count  
BRIBE RECEIVING IN THE SECOND DEGREE, P.L. § 200.11 – DEF Ulrich – 1 count

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ALVIN L. BRAGG, JR., District Attorney

A True Bill

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Assistant District Attorneys

Foreman

Rackets Bureau

ADJOURNED TO PART \_\_\_\_\_ ON \_\_\_\_\_