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September 13, 2023

The Honorable Daniel P. Conviser
100 Centre Street, Part 95
New York, New York 10013

Re: People v. Eric Ulrich, Ind. No. 73765/2023
People v. Eric Ulrich, et al., Ind. No. 73767/2023
People v. Eric Ulrich and Mark Caller, Ind. No. 73769/2023
People v. Eric Ulrich and Paul Grego, Ind. No. 73762/2023
People v. Victor Truta and Eric Ulrich, Ind. No. 73768/2023

Dear Justice Conviser:

The People respectfully submit this letter to provide the Court and the defendants with additional background information related to the above-captioned indictments and to assist the Court in making determinations, pursuant to CPL § 530.40, about the pretrial release of the seven defendants charged in the indictments, who are expected to appear before the Court for arraignment on September 13, 2023.

Over the past two years, the New York County District Attorney's Office ("DANY"), assisted by the New York City Department of Investigation ("DOI"), has been investigating the conduct of Eric Ulrich ("ULRICH"). This investigation uncovered that 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 ("DOB") Commissioner (May 2022 to November 2022), used his authority and influence in those positions to benefit Joseph Livreri ("J. LIVRERI"), Anthony Livreri ("A. LIVRERI"), Michael Mazzio ("MAZZIO"), Mark Caller ("CALLER"), Paul Grego ("GREGO"), and Victor Truta ("TRUTA"), including entities owned or controlled by them, and others, known and unknown, in exchange for money and gifts, including a premium season ticket package to the New York Mets, a bespoke suit, artwork, and a discounted apartment and certain amenities in a beachfront building in Queens.

This investigation involved evidence from multiple sources, including court-ordered electronic surveillance, court-ordered search warrants, physical surveillance, financial records, testimonial evidence, and records from various NYC agencies, including DOB, the Department of Health and Mental Hygiene (“DOH”), the Department of Corrections (“DOC”), the Department of City Planning (“DCP”), the Department of Environmental Protection (“DEP”), and the Fire Department (“FDNY”).

Ulrich was intercepted between November 4, 2021, and November 1, 2022, on an almost daily basis engaging in conduct antithetical to his oath of office. ULRICH regularly offered to use and used his authority and access to senior City officials to benefit his co-conspirators and himself. Tellingly, Ulrich’s alleged graft was not limited by type of government services performed, upon whom it was conferred, or how Ulrich was paid. The charged conduct — which spans five indictments — involved (a) promises to perform services ranging from expedited inspections to contract steering; (b) four different conspiracies with five co-conspirators being promised such services; and (c) payments to Ulrich in cash, artwork, bespoke clothing, a premium New York Mets season ticket package, and discounted real estate. In total, Ulrich received more than \$150,000 in benefits related to the bribery schemes.

Indictment 73765/23

Since at least 2017, ULRICH, while in public office, solicited and received tens of thousands of dollars from multiple sources, including from J. LIVRERI, A. LIVRERI, MAZZIO, GREGO, and TRUTA. ULRICH used that money, 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 J. LIVRERI. ULRICH omitted the additional income from his annual financial disclosures, which he was required to file with the New York City Conflicts of Interests Board (“COIB”) pursuant to City law.

ULRICH is charged with five counts of Offering a False Instrument for Filing in the First Degree in violation of New York State Penal Law § 175.35(1) relating to these material omissions on his COIB financial disclosure forms for calendar years 2017 through 2021.

Indictment 73767/23

This indictment charges ULRICH, J. LIVRERI, A. LIVRERI, and MAZZIO with conspiring with one another and others, known and unknown, to use ULRICH'S authority in his government positions to benefit J. LIVRERI, A. LIVRERI, and MAZZIO in exchange for money and gifts they gave ULRICH. As part of this conspiracy, ULRICH provided his co-conspirators access to high-ranking NYC government officials by inviting J. LIVRERI, A. LIVRERI, and MAZZIO to exclusive events and dinners to demonstrate to them that he could deliver on the promises he had made. These promises included, among others:

- Delaying and amending the bidding process relating to New York City's Commercial Waste Zone Program;
- Resolving licensing issues with the Department of Consumer and Workers Protection ("DCWP") on behalf of Mike's Heavy Duty Towing, Inc. ("MHDT"), a company controlled by MAZZIO;
- Expediting and coordinating inspections among various NYC agencies on behalf of co-conspirators;
- Influencing City appointments in favor of the co-conspirators; and
- New York City government employment for co-conspirators and their family members, including positions for J. LIVRERI and MAZZIO'S daughter.

It was also part of this conspiracy for J. LIVRERI to act as an intermediary between ULRICH and other co-conspirators to help insulate ULRICH from culpability in the bribery scheme.

In furtherance of the conspiracy, ULRICH is also charged with Bribe Receiving and J. LIVRERI, A. LIVRERI, and MAZZIO are charged with Bribery as outlined below.

Bribe Receiving in the Second Degree (ULRICH – 1 count)

Bribery in the Second Degree (MAZZIO – 1 count)

These charges relate to ULRICH'S agreement to help MHDT resolve certain DCWP tow truck company licensing issues. In exchange, MAZZIO, in part, purchased ULRICH a premium season ticket package with the New York Mets valued at nearly \$10,000.

Bribe Receiving in the Third Degree (ULRICH – 1 count)

Bribery in the Third Degree (MAZZIO – 1 count)

These charges relate to ULRICH'S intervention with the DOC Commissioner, acting with the purported authority of the Mayor's Office, to obtain a higher-paying job for MAZZIO'S daughter in exchange for money, as documented by several Venmo transfers to ULRICH before and after the position was secured in February 2022.

Bribe Receiving in the Third Degree (ULRICH – 2 counts)

Bribery in the Third Degree (J. LIVRERI – 2 counts; A. LIVRERI – 2 counts)

These charges relate to ULRICH'S intervention: (1) with DOH on behalf of Aldo's Pizzeria, a restaurant owned and operated by J. LIVRERI and A. LIVRERI, after a failed health inspection; and (2) with DOB on behalf of Fortunato Brothers Bakery at J. LIVRERI'S and A. LIVRERI'S request after that business was shut down due to a fire. In both instances, ULRICH was successful in obtaining expedited re-inspections resulting in the rapid re-opening of both businesses.

ULRICH'S assistance was provided as part of an ongoing arrangement with the LIVRERIS for continued financial assistance. In particular, on February 15, 2022, the day after Aldo's closed, ULRICH, while at a private casino, solicited \$300 from J. LIVRERI. The next day, ULRICH elevated Aldo's re-inspection issue to the Mayor's Chief Advisor. Aldo's reopened on February 17, 2022.

Similarly, J. LIVRERI and A. LIVRERI solicited money from the Fortunato Brothers Bakery on ULRICH'S behalf in exchange for ULRICH'S assistance. The following is the pertinent portion of an intercepted conversation between J. LIVRERI and A. LIVRERI related to their exchange with the bakery owner's nephew from March 10, 2022:

A. LIVRERI: So what happened?

J. LIVRERI: Nothing, he [ULRICH] got it done. He [the owner's nephew] got what he needed and he said he was gonna stop by you, so. When he stops by you, don't [U/I], you know what I'm saying?

A. LIVRERI: I'm sorry?

J. LIVRERI: Don't call, whatever. I told him [ULRICH] tomorrow we'll see him.

A. LIVRERI: Yeah, no problem.

J. LIVRERI: No, I'm just saying, so.

A. LIVRERI: But he [the owner's nephew] knew the four, right?

J. LIVRERI: Yeah, he said to me, 'I gotta stop by your brother.' Whatever. 'Yeah, OK.'

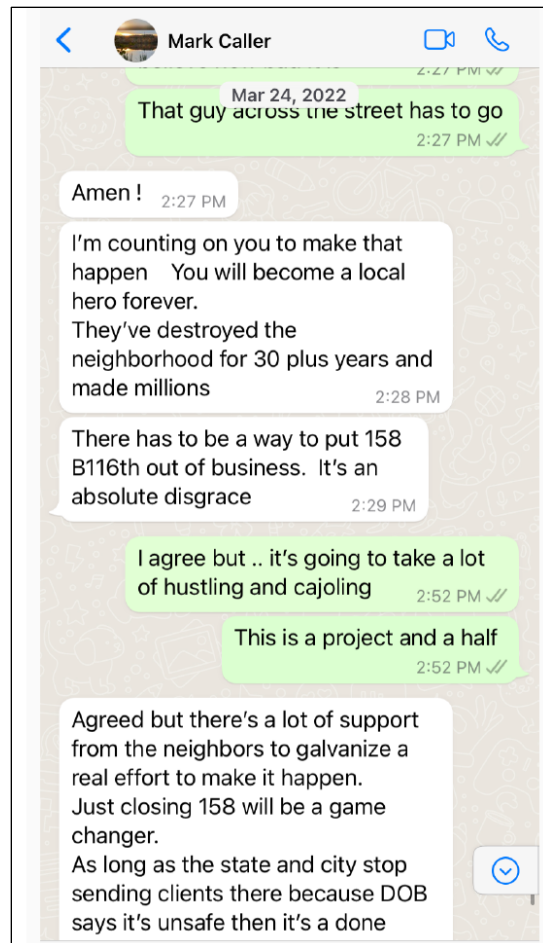
The next day, J. LIVRERI met with ULRICH and gave him his portion of "the four," a reference to \$4,000. ULRICH made two immediate phone calls to tell people he "just got paid," and made a \$1,000 deposit at a Chase ATM.

Indictment 73769/23

This indictment charges ULRICH and CALLER with conspiring with one another and others, known and unknown, to use ULRICH'S authority in his government positions to help CALLER and his company, the Marcal Group, with their development projects in exchange for CALLER giving ULRICH a discounted beachfront apartment and other benefits in one of CALLER'S buildings.

As part of the conspiracy, ULRICH agreed to use his apparent authority as Senior Advisor to the Mayor to influence and to attempt to influence the Department of City Planning to advance a beachfront development project on 155 Beach 115th Street in Rockaway Park, New York. CALLER submitted an updated proposal for the property to the DCP Director in February 2022, shortly after both ULRICH and the Director joined the Adams administration. In March 2022, while CALLER was still in negotiations with DCP, ULRICH told CALLER, in sum and substance, that he needed to find a new place to live and CALLER agreed to "figure something out." Ultimately, CALLER offered ULRICH an apartment in a beachfront property (also in Rockaway Park). The deal included a discounted rental price of \$2,000 per month for a two-bedroom, partially furnished apartment, the lowest in the building at the time. CALLER also offered ULRICH the option to purchase the unit for \$55,000 below the list price, to apply the first year's rent (\$24,000) toward the down payment, and to cover closing costs, a value of approximately \$100,000 to ULRICH.

ULRICH also used his apparent authority as Senior Advisor to the Mayor on behalf of CALLER to influence other New York City employees and agencies, including DOB and FDNY, to conduct an inspection at 158 Beach 116th Street, Rockaway Park, New York, a multiple-dwelling for low income residents supported by the City. This building is adjacent to CALLER’S building at 155 Beach 115th Street and across the street from ULRICH’S new apartment. The following is a WhatsApp message exchange between ULRICH and CALLER:



ULRICH then coordinated with a local State Assemblyman to have a joint inspection by DOB and FDNY to close down the location. The inspection was conducted on April 5, 2022, and three violations were issued.

ULRICH’S and CALLER’S arrangement continued into ULRICH’S tenure as DOB Commissioner. With ULRICH’S lease taking effect on May 1, 2022, two days before his appointment as DOB Commissioner, ULRICH advised CALLER:

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.

ULRICH and CALLER then structured the lease agreement to give ULRICH the first three months free so that his monthly rate would not appear to be lower than others in the building, while the annual rent remained at the same discounted level.

ULRICH continued to reside in CALLER'S building after becoming DOB Commissioner at the same time that CALLER and Marcal Group had business before DOB. ULRICH connected CALLER to other high-ranking DOB employees to expedite requests for Marcal Group projects.

In addition to the conspiracy, ULRICH is charged with one count of Bribe Receiving in the Second Degree and CALLER is charged with one count of Bribery in the Second Degree.

Indictment 73762/23

This indictment charges ULRICH and GREGO, a DOB Filing Representative, with conspiring with each other and others, known and unknown, to use ULRICH'S authority in his government positions to benefit GREGO'S clients who have business before DOB in exchange for money and gifts from GREGO, including a bespoke suit and artwork. ULRICH and GREGO are also charged with the crimes of Bribe Receiving and Bribery, respectively, as outlined below.

Bribe Receiving in the Third Degree (ULRICH – 1 count)

Bribery in the Third Degree (GREGO – 1 count)

These charges relate to ULRICH'S intervention with the former DOB Commissioner to issue a Letter of No Objection ("LNO") for one of GREGO'S clients, a restaurant that needed the LNO to obtain a liquor license; in exchange, GREGO gave ULRICH money.

Bribe Receiving in the Second Degree (ULRICH – 1 count)

Bribery in the Second Degree (GREGO – 1 count)

These charges relate to items GREGO gave ULRICH after ULRICH became the DOB Commissioner in exchange for (1) preferential treatment for GREGO'S clients having business before DOB; and (2) DOB personnel changes that ULRICH agreed to make at GREGO'S request. The following are pertinent portions of coded conversations between ULRICH and GREGO intercepted between June 1, 2022, and June 3, 2022, regarding a painting by Francisco Poblet, the last surviving apprentice of Salvador Dali. ULRICH and GREGO described the painting using coded references to ULRICH'S daughter when, in actuality, the painting was meant to be a gift to ULRICH'S girlfriend.

GREGO: Great, good. OK, I got the things for you, the painting.

ULRICH: Oh.

GREGO: That your daughter did.

ULRICH: She did, I remember that, yeah.

GREGO: Your daughter made a painting that she did.

ULRICH: That was cute, thank you.

GREGO: She did a painting or something like that?

ULRICH: Yeah, I forgot I left it in the room.

GREGO: I have it in my house.

ULRICH: Yeah.

GREGO: The thing in my house. Yeah, I saw it.

ULRICH: Alright, no problem. I'll get it. I'll get it whenever, no worries. I'll see you later. Bye-bye.

GREGO: Yeah, ciao.

...

ULRICH: Hey Dom.

GREGO: Yeah, I forgot to, you know, I have the, the thing that Poblet left for you.

ULRICH: Yeah?

GREGO: That the studio sent to me.

ULRICH: Yeah.

GREGO: Not the, not the, [U/I], whatever you call that.

ULRICH: Not the uh,

GREGO: Yeah, not the uh, that, whatever you call that. The guy that's going after the uh, the winning, there's spiro, the spinning wheel.

ULRICH: Right.

GREGO: But there's a picture of um, she gave me, it's a picture of um, Salvador Dali,

ULRICH: Yeah.

GREGO: That with a signature on it.

ULRICH: OK.

GREGO: What he drew with the Salvador Dali on it.

ULRICH: Yeah.

GREGO: So.

ULRICH: But it's raining now.

GREGO: Yeah, I know, not now, I just want you to know.

ULRICH: OK.

...

GREGO: Is there room on your wall for that, the painting?

ULRICH: I got it, yeah. My daughter's gonna love it.

GREGO: You saw the back of it, right?

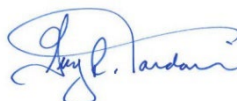
ULRICH: Yeah, oh yeah. You know it's beautiful.

Indictment Number 73768/23

This indictment charges ULRICH with one count of Bribe Receiving in the Third Degree, and TRUTA, a former NYC Corrections Officer, with one count of Bribery in the Third Degree, relating to ULRICH'S intervention with the former DEP Commissioner to hire TRUTA'S family members in exchange for money TRUTA gave ULRICH before and after one of the positions was secured. From 2021 through 2022, TRUTA paid ULRICH at least \$3,650, including a payment of \$400 on February 23, 2022, the same day ULRICH informed TRUTA that his nephew was hired.

Respectfully Submitted,

Alvin L. Bragg, Jr.
District Attorney, New York County



By: _____
Guy R. Tardanico
Assistant District Attorney

cc: All Counsel