

PAID TO STATEWIDE ROOFING FROM TAXPAYER MONEY

HAVE TO BE A CROOK TO BE ON THE HOOK WITH ISLIP SUPERVISOR CARPENTER

Capobianco, Esq., Garden City, NY, for Defendants, Gerald Curtin and Pinnacle Resources, LLC.

JUDGES

Leonard D. Wexler



ACTS

Crimes And Criminal Procedure — Racketeer Influenced And Corrupt Organizations — Crimes — Definitions

Crimes And Criminal Procedure — Racketeer Influenced And Corrupt Organizations — Crimes — Prohibited Activities

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CITES 18



INFANTI V. SCHARPF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK, 14
Feb 2012

JOHN BARRY, STATEWIDE ROOFING, INC. V. GERALD CURTIN...

LeClairRyan, PC by Michael J. Case, Esq., Ronald S. Herzog, Esq., New York, NY, for Defendants Castellano, Korenberg & Co., C.P.A.'s, P.C. and Frank Scala.

Trivella & Forte, LLP by Christopher A. Smith, Esq., Jonathan Michael Bar-david, Esq., Elizabeth Wendy Mondschein, White Plains, NY, for Defendant, Swagger Consulting LLC.

MEMORANDUM AND ORDER

WEXLER, District Judge:



Before the Court is the Defendants' motion to dismiss Plaintiffs' Amended Complaint, pursuant to Federal Rules of Civil Procedure 12(b)(1), 9(b) and 12(b)(6). Plaintiffs oppose the motion; however, to the extent Defendants' mo-

Plaintiff 2120 is governed by the terms of an "Operating Agreement," under which Barry and Curtin are the sole members and Curtin is defined as the Managing Member. (Am. Compl. ¶¶ 38–39.) There are no shareholders' or stockholders' agreements for Plaintiff Curt Barr. (Am. Compl. ¶ 40.)

Plaintiffs' Amended Complaint alleges that beginning in approximately 2008, Defendants, acting as an enterprise and without Barry's knowledge or consent, began purposely diverting the assets of the Corporate Plaintiffs for their own personal use and usurped corporate opportunities belonging to the Corporate Plaintiffs for Curtin. (Am. Compl. ¶¶ 41–42.) Specifically, Plaintiffs allege that Curtin was the "ringleader" of the enterprise who, in concert with the other Defendants, converted the business, goodwill, assets and opportunities of the Corporate Plaintiffs to his own use through mail and wire fraud, using corporate funds to pay for his personal expenses. (Am. Compl. ¶¶ 47–48.) Defendant Pinnacle is alleged to be nothing more than a sham corporation without any real assets or business purpose other than to advance the fraud being



perpetrated by Defendants. (Am. Compl. ¶¶ 50–52.) The Castellano Firm and Scala were allegedly aware of the fraud being perpetrated by Pinnacle but nonetheless prepared Pinnacle's financial statements and income tax returns that were filed in furtherance of the scheme. (Am. Compl. ¶¶ 53–58.) Finally, Defendant Swagger is alleged to have billed Statewide for consulting services that were never provided but were instead another means by which Curtin divested Statewide of funds for his own personal gain. (Am. Compl. ¶¶ 59–60.)



Plaintiff Barry originally commenced this action as a diversity action solely against Curtin, alleging state law claims for breach of fiduciary duty, common law fraud, unjust enrichment and conversion. After Curtin requested a pre-motion conference in anticipation of making a motion to dismiss on the grounds that diversity jurisdiction was lacking due to Curtin's New York citizenship, Barry amended his Complaint to include the Corporate Plaintiffs and the additional defendants as well as federal claims for violation of the Racketeering Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961 *et seq.* and for a declaratory judgment. The Amended Complaint also includes the original state law claims, as well as claims for aiding and abetting fraud, tortious interference with contract and negligence.

June of 2020 given the job to replace the roof of the main terminal at Airport

CURTIN, GERALD J

MR.

**GREAT RIVER, NY
11739**

**STATEWIDE
ROOFING/COMMERCIAL ROOFER**

CURTIN, GERALD J BOX 608 GREAT RIVER, NY 11739	100.00	10-MAR-09	FRIENDS OF ANGIE CARPENTER
CURTIN, GERALD J P.O.BOX 608 GREAT RIVER, NY 11739	1,000.00	10-MAY-17	FRIENDS OF ANGIE CARPENTER
CURTIN, GERALD J PO BOX 608 GREAT RIVER, NY 11739	1,000.00	09-MAY-16	FRIENDS OF ANGIE CARPENTER
CURTIN, GERALD J P.O. BOX 608 GREAT RIVER, NY 11739	1,000.00	07-MAR-16	FRIENDS OF ANGIE CARPENTER
CURTIN, GERALD PO BOX 608 GREAT RIVER, NY 11739	1,000.00	11-OCT-16	FRIENDS OF ANGIE CARPENTER
CURTIN, GERALD 2120 FIFTH AVENUE RONKONKOMA, NY 11779	1,000.00	05-NOV-19	FRIENDS OF ANGIE CARPENTER
CURTIN, GERALD PO BOX 608 GREAT RIVER, NY 11739	1,000.00	01-SEP-15	FRIENDS OF ANGIE CARPENTER
CURTIN, GERALD PO BOX 608 GREAT RIVER, NY 11739	100.00	08-MAR-19	FRIENDS OF ANGIE CARPENTER
CURTIN, GERALD PO BOX 608 GREAT RIVER, NY 11739	1,000.00	19-JUL-18	FRIENDS OF ANGIE CARPENTER
CURTIN, GERALD PO BOX 608 GREAT RIVER, NY 11739	100.00	08-MAY-14	FRIENDS OF ANGIE CARPENTER

CURTIN, GERARD J P.O. BOX 608 GREAT RIVER, NY 11739	1,000.00	05-FEB-17	<u>FRIENDS OF ANGIE CARPENTER</u>
CURTIN, GERALD PO BOX 608 GREAT RIVER, NY 11739	500.00	07-SEP-17	<u>FRIENDS FOR TRISH BERGIN</u>
CURTIN, GERALD PO BOX 608 GREAT RIVER, NY 11739	250.00	13-FEB-17	<u>FRIENDS FOR TRISH BERGIN</u>
CURTIN, GERALD J PO BOX 608 GREAT RIVER, NY 11739	250.00	12-MAR-19	<u>FRIENDS OF JIM O'CONNOR</u>
CURTIN, GERALD J PO BOX 608 GREAT RIVER, NY 11739	1,000.00	04-NOV-17	<u>FRIENDS OF JIM O'CONNOR</u>
CURTIN, GERALD J PO BOX 608 GREAT RIVER, NY 11739	1,000.00	26-AUG-17	<u>FRIENDS OF JIM O'CONNOR</u>

Selected Entity Name: STATEWIDE ROOFING INC.

Selected Entity Status Information

Current Entity Name: STATEWIDE ROOFING INC.

DOS ID #: 812331

Initial DOS Filing Date: DECEMBER 05, 1983

County: SUFFOLK

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

STATEWIDE ROOFING INC.
2120 5TH AVE
RONKONKOMA, NEW YORK, 11779
Chief Executive Officer
JERALD J. CURTIN

Selected Entity Name: GRAMMY ENTERPRISES LLC The information contained in this database is current through March 21, 2011.

Current Entity Name:
Initial DOS Filing Date:
County:
Jurisdiction:
Entity Type:
Current Entity Status:

Selected Entity Status Information
 GRAMMY ENTERPRISES LLC
 JANUARY 21, 2009
 SUFFOLK
 NEW YORK
 DOMESTIC LIMITED LIABILITY COMPANY
 ACTIVE

GRAMMY ENTERPRISES LLC
 GERALD J. CURTIN
 137 WIDGEON COURT
 GREAT RIVER, NEW YORK, 11739

GRAMMY ENTERPRISES LLC PO BOX 608 GREAT RIVER, NY 11739	1,500.00	04-MAY-10	FRIENDS OF PHIL NOLAN FORMER DEMOCRAT SUPERVISOR, CLOSE FRIENDS
CURTIN, GERALD 137 WIDGEON CT GREAT RIVER, NY 11739	1,500.00	03-DEC-10	FRIENDS OF PHIL NOLAN
GRAMMY ENTERPRISES LLC PO BOX 608 GREAT RIVER, NY 11739	1,000.00	06-MAR-18	FRIENDS OF ANGIE CARPENTER
GRAMMY ENTERPRISES LLC PO BOX 608 GREAT RIVER, NY 11739	1,000.00	06-MAR-18	FRIENDS OF ANGIE CARPENTER

2020/2021

1 9201729 C	8/5/2021	655 STATEWIDE ROOFING, INC.	170,254.29	9/20/2021 R
1 9201721 C	9/23/2021	18157 STATEWIDE AQUASTORE INC	8,000.00	9/28/2021 R
1 9201722 C	10/29/2020	665 STATEWIDE ROOFING, INC.	449,326.25	11/3/2020 R
1 9201723 C	11/12/2020	665 STATEWIDE ROOFING, INC.	175,532.83	11/16/2020 R
1 9201724 C	12/22/2020	665 STATEWIDE ROOFING, INC.	297,895.11	1/7/2021 R
1 9201725 C	2/25/2021	665 STATEWIDE ROOFING, INC.	180,345.05	3/3/2021 R
1 9201726 C	4/15/2021	665 STATEWIDE ROOFING, INC.	266,023.75	4/22/2021 R
1 9201727 C	5/13/2021	665 STATEWIDE ROOFING, INC.	231,023.31	5/17/2021 R
1 9201728 C	6/17/2021	665 STATEWIDE ROOFING, INC.	161,286.68	6/28/2021 R

William D. Wexler is a firm serving North Babylon, NY in Criminal Defense, Negligence and Personal Injury cases.

Related to Lenard Wexler the Judge?

ON ISLIP TOWN ZONING APPEAL BOARD

WILLIAM WEXLER ESQ	MEMBER- BOARD OF APPEALS	----- BOARD OF APPEALS,	2010-03-03	15,537.60	
WILLIAM GARBARINO	ASSISTANT TOWN ATTORNEY	EXEM TOWN ATTORNEY'S OFFICE,	2015-02-02	88,400.00	REPUBLICAN CHAIRMAN

1	9204753 C	11/23/2021	2741 WILLIAM D. WEXLER	11,274.00	O
1	9204729 C	1/9/2020	2741 WILLIAM D. WEXLER	4,637.00	1/15/2020 R
1	9204730 C	2/13/2020	2741 WILLIAM D. WEXLER	420.00	2/21/2020 R
1	9204731 C	2/27/2020	2741 WILLIAM D. WEXLER	7,701.75	3/4/2020 R
1	9204732 C	3/26/2020	2741 WILLIAM D. WEXLER	4,085.25	4/13/2020 R
1	9204733 C	5/7/2020	2741 WILLIAM D. WEXLER	560.00	5/13/2020 R
1	9204734 C	5/21/2020	2741 WILLIAM D. WEXLER	884.00	6/1/2020 R
1	9204735 C	6/25/2020	2741 WILLIAM D. WEXLER	445.25	7/7/2020 R
1	9204736 C	8/27/2020	2741 WILLIAM D. WEXLER	6,708.10	9/1/2020 R
1	9204737 C	9/3/2020	2741 WILLIAM D. WEXLER	5,571.00	9/11/2020 R
1	9204738 C	10/29/2020	2741 WILLIAM D. WEXLER	582.00	11/10/2020 R
1	9204739 C	11/5/2020	2741 WILLIAM D. WEXLER	1,580.00	11/10/2020 R
1	9204740 C	12/10/2020	2741 WILLIAM D. WEXLER	6,046.00	12/21/2020 R
1	9204741 C	1/28/2021	2741 WILLIAM D. WEXLER	3,576.00	2/5/2021 R
1	9204742 C	2/25/2021	2741 WILLIAM D. WEXLER	780.00	3/8/2021 R
1	9204743 C	4/1/2021	2741 WILLIAM D. WEXLER	3,411.40	4/13/2021 R
1	9204744 C	5/13/2021	2741 WILLIAM D. WEXLER	1,416.00	5/18/2021 R
1	9204745 C	6/3/2021	2741 WILLIAM D. WEXLER	1,426.00	6/15/2021 R
1	9204746 C	6/17/2021	2741 WILLIAM D. WEXLER	80.00	6/23/2021 R
1	9204747 C	6/24/2021	2741 WILLIAM D. WEXLER	1,670.00	6/29/2021 R
1	9204748 C	7/1/2021	2741 WILLIAM D. WEXLER	476.00	7/8/2021 R
1	9204749 C	7/22/2021	2741 WILLIAM D. WEXLER	266.00	7/27/2021 R
1	9204750 C	9/2/2021	2741 WILLIAM D. WEXLER	1,786.00	9/9/2021 R
1	9204751 C	9/30/2021	2741 WILLIAM D. WEXLER	988.00	10/7/2021 R
1	9204752 C	10/28/2021	2741 WILLIAM D. WEXLER	3,854.00	11/3/2021 R

39,219

19,729

TOWN BOARD DISCUSSION AGENDA

June 16, 2020

9. Authorization for the Supervisor to execute a Professional Services Agreement with C&S Companies for construction management and inspection services relating to Phase I of the Rehabilitation of the Main Terminal Building at Long Island MacArthur Airport.

6/2020

TOWN BOARD DISCUSSION AGENDA

JULY 21, 2020

13. Authorization for the Supervisor to execute any and all documents necessary to award the roofing contract in connection with the replacement of the Main Terminal Building Roof at Long Island MacArthur Airport to Statewide Roofing, Inc.

7/2020



TOWN BOARD DISCUSSION AGENDA

December 15, 2020

24. Authorization for the Supervisor to execute a Professional Services Agreement with C&S Companies for construction administration and construction inspection services related to the upgrade of the existing Mechanical, Electrical and Plumbing and Fire Systems within the Main Terminal Building at Long Island MacArthur Airport.
25. Authorization for the Supervisor to enter into a Professional Services Agreement with L.K. McLean Associates, P.C. for construction administration and inspection services related to Phase II of the Rehabilitation of the Main Terminal Building at Long Island MacArthur Airport.

12/2020

TOWN BOARD DISCUSSION AGENDA

APRIL 20, 2021

31. Authorization for the Supervisor to execute a Second Change Order to the Agreement with Emtec Consulting Engineers for upgrades to the existing Mechanical, Electrical and Plumbing and Fire Protection Systems within the Main Terminal Building.

TOWN BOARD DISCUSSION AGENDA

JANUARY 11, 2022

14. Authorization for the Supervisor to enter into a contract with Ralph W. Plotke, Inc., DBA Roof Services for contract DAT 2021-004, Main Terminal Atrium Roof Coping Replacement at Long Island MacArthur Airport.

TOWN BOARD DISCUSSION AGENDA

APRIL 5, 2022

27. Authorization for the Supervisor to effectuate an Assignment of Contract from Ralph Plotke, Inc. to Roof Services of New York for Contract DAT 2021-004 of the Main Terminal Atrium Roof Coping Replacement at Long Island MacArthur Airport.

TOWN BOARD DISCUSSION AGENDA

SEPTEMBER 13, 2022



38. Authorization for the Supervisor to award an agreement for plumbing services to WHM Plumbing and Heating Contractors, Inc. in connection with Main Terminal Building MEP Upgrades at Long Island MacArthur Airport.

Construction now underway on \$26M in improvements at MacArthur Airport

Construction is underway on \$26 million in improvements at Long Island MacArthur Airport that will include equipping the main terminal, as seen here, with a new roof. Credit: Newsday / Steve Pfost

By Brianne Ledda brianne.ledda@newsday.com Updated February 21, 2023 8:21 pm



Construction is underway on \$26 million in improvements at Long Island MacArthur Airport that will include equipping the main terminal with a new roof, replacing three baggage carousels and installing a new air purification system, Town of Islip officials said Tuesday.

Separate federal and state grants will fund the projects that municipal officials plan to detail at a news conference Wednesday, when they'll also formally dedicate the airport's new \$8.4 million [ground transportation center](#).

The \$26 million in funding, when calculated with other projects, brings the total invested in capital improvements at the airport to \$100 million in the past seven years.

Wednesday's news conference will come just days after state Department of Environmental Conservation officials confirmed to Newsday that the airport had been listed as a state Superfund site after "significant" chemical contamination was found in groundwater and soil.

Public wells in the area are safe to use and the DEC isn't concerned currently about public exposure to the contaminants, officials said last week.

The \$26 million in improvements, which will upgrade systems, equipment and décor in the main terminal, will take about a year to complete and will address issues that have needed attention for decades, according to Islip Town Supervisor Angie Carpenter.

Around \$14 million of the funding will pay for HVAC climate-control systems, the air purification system, new energy-efficient plumbing fixtures and a new backup generator, while bringing safety equipment into compliance with current building codes and replacing electrical systems such as lighting and signs, officials told Newsday.

Some of the other \$12 million will go toward replacing three baggage carousels in the main terminal. Those funds also will cover **a new roof for the main terminal — replacing one installed in 1984** — and pay for upgrades to doors and vestibules to more efficiently regulate temperature.

Long Island Association president and CEO Matt Cohen said in an emailed statement to Newsday on Tuesday that the planned upgrades “are necessary even as the community evaluates [additional infrastructure projects](#) that accelerate economic growth — such as connecting a proposed new North Terminal with the LIRR Ronkonkoma/MacArthur Airport station.”

Edward McNamara, president of the Ronkonkoma Chamber of Commerce, similarly expressed hope Tuesday that the airport improvements will benefit local businesses.

“Anything that promotes business growth and community growth is a positive thing,” he said. “Any money, especially federal money, that comes to the community is a great thing. I wish it would come more to the downtowns, naturally, the mom-and-pops, but this certainly will help local business ... We need to stay competitive.”

But while applauding news of the improvements, McNamara also expressed concerns about the airport's state Superfund site designation. He said town officials have reached out in an effort to set up community meetings about the issue.

"They need to investigate it and have full transparency on all of this, so we know what's going on," he said. "Hopefully we can clean this up and move on," says Edward McNamara, president of the Ronkonkoma Chamber of Commerce.

By Brianne Ledda

brianne.ledda@newsday.com