



RICHARD A. BROWN
DISTRICT ATTORNEY

**DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
718-286-6000**

Release #15-2006
www.queensda.org

FOR IMMEDIATE RELEASE
FRIDAY, JANUARY 13, 2006

CONTACT: Kevin Ryan/Nicole Navas/Meris Campbell
(QDA) 718-286-6315

Emily Gest
(DOI) 212-825-5931

**CITY SUBCONTRACTOR CHARGED WITH ILLEGALLY DUMPING
CONTAMINATED WASTE AT LONG ISLAND GOLF COURSE AND QUEENS HOME SITES**
Allegedly Forged \$75,000 in Receipts to Prove He Properly Disposed of Waste

Queens District Attorney Richard A. Brown, joined by New York City Department of Investigation (DOI) Commissioner Rose Gill Hearn and New York City Department of Environmental Protection (DEP) Commissioner Emily Lloyd, announced today that a City subcontractor hired to dispose of contaminated solid waste has been charged with illegally dumping or selling more than 1,000 tons of the waste to various entities – including a Nassau County golf course and Queens homeowners – as “clean fill” and then billing the City for disposing of the waste.

District Attorney Brown identified the defendant as Jerry Bass, 39, of 115-39 Dunkirk Street in St. Albans, Queens, and 130 West 117th Street in Manhattan, who is the president of B & B Trucking, which has also been charged in the alleged scheme. The defendant is being held pending arraignment on charges of Grand Larceny in the Third Degree, Attempted Grand Larceny in the Third Degree, Forgery in the Second Degree, Criminal Possession of a Weapon in the Third Degree, Criminal Possession of a Forged Instrument in the Second Degree, Defrauding the Government, Scheme to Defraud in the Second Degree, Offering a False Instrument for Filing in the First Degree, Prohibited Disposal and Unlawful Operation of a Business for Removal of Trade Waste. If convicted, Bass faces up to seven years in prison and fines of up to \$22,500 on each environmental violation. His corporation faces fines of up to twice the amount of the illegal gains.

District Attorney Brown said, “Allegedly driven by greed and with a total disregard for the health and safety of people and the environment, the defendant is accused of swindling both New York City government and others by circumventing the procedures that the City takes to ensure the safe disposal of its contaminated waste. Indeed, as a result of this joint investigation, it is alleged that in order to save on carting and dumping costs, the defendant knowingly dumped contaminated waste at a golf course in Nassau County and deceived people into buying the waste as ‘clean fill’ for their backyards.”

Commissioner Hearn said, “Today’s charges indicate that Mr. Bass tried another scheme against the City, and in doing so, not only ripped off the City and defrauded homeowners but may have harmed the environment by improperly disposing waste. The City pays a premium to protect the environment and will continue to make every effort to make sure that improper billing and dumping is prosecuted to the fullest extent of the law. I thank the DEP employees who reported this alleged misconduct to DOI.”

In November 2004, the City’s Department of Environmental Protection entered into a contract with AFC Enterprise, Inc., of 80-43 66th Avenue in Glendale, New York, to remove contaminated solid waste from various locations throughout the metropolitan area. The solid waste was extracted from the ground in connection with a DEP contract to maintain the water tunnels and reservoirs carrying New York City’s water supply. Subsequently, AFC hired B & B Trucking as a subcontractor to remove and transport a large portion of the contaminated waste to a proper transfer station facility for the purpose of treating and disposing of the waste.

According to the criminal complaint filed in the case, instead of bringing the waste to a proper facility, Bass and his company are accused of transporting and disposing of fifty truckloads of the waste (1,000 tons) by knowingly dumping or selling it to various institutions as clean fill (dirt). Among the alleged victims was the Woodmere (Golf) Club, located on Meadow Drive in Woodmere, and various homeowners who bought the purportedly ‘clean fill’ for backyard use. In order to conceal their crime, it is alleged that the defendants created fifty forged dump receipts, totaling approximately \$75,000, from Jamaica Recycling, a transfer station located in Jamaica, Queens, indicating that all fifty truckloads had been properly dropped off. The defendants then allegedly submitted these forged receipts to DEP for payment and received more

than \$10,000 before the fraud was discovered. In some cases, it is alleged, the numbered receipts contained numbers already used by other transporter companies that had previously dumped waste at the facility and, in one instance, a receipt indicated a weight too large to fit in the trucks used to transport the waste.

On January 12, 2006, a court-authorized search warrant drafted by the District Attorney's Economic Crimes Bureau was executed at the defendant's two offices – located at his Queens and Manhattan homes – and recovered various documents allegedly indicating the locations of the contaminated waste, as well as \$15,000 in cash and records allegedly indicating that he had been transporting waste throughout New York City for several years even though he doesn't have a permit to do so. In addition, authorities allegedly recovered a loaded Ruger 9mm pistol from the Manhattan location and a fully loaded ammunition clip for an assault rifle at the Queens address.

The investigation began in October 2005 when DEP employees reported to DOI that some of Bass' receipts may have been forged. In December 2005, DOI and DEP contacted the Queens County District Attorney's Office.

The investigation was conducted by Assistant Inspector General Michael Healy, Deputy Inspector General Michael J. Carroll and Inspector General John B. Kantor of the New York City Department of Investigation under the overall supervision of Commissioner Rose Gill Hearn; Detective James Crowley of the New York City Department of Environmental Protection under the supervision of Police Chief Edward J. Welch; and Assistant Commissioner Ronny Cohen, of the Business Integrity Commission, under the supervision of Chairman Thomas McCormack.

Assistant District Attorney Jason P. Garelick of the District Attorney's Economic and Environmental Crimes Bureau is prosecuting the case under the supervision of Assistant District Attorneys Gregory C. Pavlides, Bureau Chief, and Diane Peress, Deputy Chief, and the overall supervision of Executive Assistant District Attorney for Investigations Peter A. Crusco and Deputy Executive Assistant District Attorney for Investigations Linda M. Cantoni.

It should be noted that criminal charges are merely an accusation and that defendants are presumed innocent until proven guilty.

#

Note to Editors: e-version of this press release is posted on www.queensda.org.
