

To The State of New York Commission on Judicial Conduct  
801 Second Avenue  
New York, NY 10017

May 21, 1999

Re.: Judge William Wetzel

My name is Clay Tiffany and I am an investigative reporter who hosts cable t.v. shows from Hastings, NY, to Cross River, NY called "Dirge For The Charlatans".

From my own observations and from reliable sources, I have accumulated numerous statements, etc. regarding New York State Judge William Wetzel. I believe the following should be investigated by the State of New York Commission on Judicial Conduct.

A number of years ago, I was told that William Wetzel was an inveterate illegal gambler and that he frequented 2 alleged illegal gambling operations in Ossining, NY. Wetzel was said to have run illegal bets on football games, etc. through an illegal bookmaker through a bartender at DeCassi's Bar on Croton Avenue, Ossining, owned by Lou Fracassi, a former Town of Greenburgh policeman. Even though Lou Fracassi was caught having lucrative, illegal betting machines in his De Cassi's Bar, the case was sealed in the Ossining court system. Did William Wetzel use his political connections in the Republican Party and through his friend, George Pataki, now Governor? William Wetzel has, and continues to this day, been alleged to gamble at Larry Montague's illegal gambling operation, also in Ossining, NY, off Pleasantville Road.

William Wetzel is said to have been a longtime illegal gambler and observer of illegal gambling activities at Larry Montague's gambling operation. This operation was reputed to include profitable gambling machines that were discussed on my "Dirge For The Charlatans" t.v. shows. I was told that Larry Montague had the machines taken out very soon after my exposure of them. Infuriated, Larry Montague, with other men, threatened me on the streets of Ossining. After abusively cursing at me, Larry Montague arrogantly said regarding the Ossining Police: "Yeah, they'll lock your ass up." That is because Larry Montague is well aware that the corrupt Ossining Police are on his side and have never arrested him for his illegal gambling operations. In fact, as I have noted on my t.v. shows, Ossining Detective Steve Reilly has been reported to be a regular illegal gambler at Larry Montague's place.

Are these the type of people and activities that a State Judge, as William Wetzel is, should be associated with? The date that Larry Montague did this, in concert with a number of other men, was August 21, 1998. On December 23, 1997, in front of De Cassi's Bar, Lou Fracassi and about 5 other men yelled at, cursed at and threatened me because of my revelations concerning illegal gambling and the cover-ups by the local police. Lou Fracassi, whose wife is on the Ossining Town Republican Party, and who is a friend of Judge Wetzel, said to me such things as: "They'll knock you for a fuckin' loop, you redheaded faggot." One of Fracassi's henchmen said to me: "You can't call no cops. They don't like you." This took place at 2:50 PM in the afternoon. The Ossining Police did nothing.

I hope I am contacted because I have much more information regarding these matters. I believe William Wetzel has very possibly been present when people such as Larry Montague and Lou Fracassi, et al discussed having me "physically taken care" of because of my t.v. shows. Is this proper for a State Judge?

William Wetzel has been reported to be an annual participant in Larry Montague's remunerative Super Bowl pool, in which at least \$150,000 cash is said to be disbursed, along with card games of an illegal nature. Larry Montague, according to a participant, takes a percentage of the winnings. Wetzel

knows this. My source(s) tell me that Wetzel still plays illegal card games at Montague's, in which Montague takes a cut. Is a State Judge allowed to do this? Wetzel saw the illegal machines often, I was told. Some of the time, Wetzel was a State Judge.

Previously, William Wetzel told a paper he was the owner of Ceola Manor (November, 1992), while Wetzel was the Mayor of Briarcliff Manor. This Ceola Manor banquet facility, in Mahopac off Route 6, was discussed in the October 11, 1994 Village Voice, in an article by Wayne Barrett. The actual owners of Ceola Manor banquet hall were shown to be, according to State Liquor Authority filings, Paul Guillaro (50% owner), principal owner of Unicorn Development company and Benedetto Cupo (50% owner), who just happened to be a federal felon. Nowhere on the SLA filings was William Wetzel's name. Why? A woman who was, at the time, married to a relative of George Pacchiana, owner of Thalle Construction, told me that Wetzel was an owner of Ceola Manor. Kathy Pacchiana said: "I know he's [William Wetzel] a part owner. I don't know if he [Wetzel] is a sole owner."

When I kept trying to point out that from 1990 - October 1994, according to the Village Voice, the SLA had 50% of Ceola Manor listed as owned by Paul Guillaro, whom Kathy Pacchiana knew, and 50% of Ceola Manor listed as owned by federal felon Benedetto Cupo, Kathy Pacchiana said: "Some of your facts must be wrong." Kathy Penn now works for State Assemblywoman Sandy Galef. Was William Wetzel a front? Was William Wetzel, because of his reported excessive gambling of an illegal nature, beholden to the criminal underworld? Is this appropriate for a State Judge?

During George Pataki's first New York State gubernatorial campaign, while William Wetzel was a sitting Village of Briarcliff Manor justice, William Wetzel is said to have held a fundraiser for his friend, George Pataki, at Wetzel's Central Drive residence. This has been told to me by various sources, including invited people. Money was given at this fundraiser at Wetzel's house for George Pataki in his first gubernatorial campaign. Was it ethical for sitting judge William Wetzel to have had a fundraiser for a political candidate at his house? At this alleged fundraiser, among the attendees were George Pacchiana, whose Thalle company does big business with New York State; Hank D'Amato, a local notorious alleged illegal gambler and Larry Montague. Also, Paul Guillaro was said to be there.

In a quintessential quid pro quo, after George Pataki was elected Governor, Pataki appointed William Wetzel, his benefactor, with a New York State Court of Claims judgeship. Even though Wetzel was only a village judge from November 19, 1992 until June 23, 1995 in a court that only met once a week in the mornings and that did not hear felony proceedings at all, Wetzel was made a state judge. Why? Did his record demonstrate enough judicial experience?

Please ask Wetzel about all this and send me his answers. I am interested in how this is handled. Of course, I have more information, but this should suffice for an investigation to begin, I would think. My address is P.O. Box 306, Briarcliff Manor, NY 10510. My phone number is (914) 941-5124. The previous information has been well-researched. I have been retaliated against for my exposes of this on my t.v. shows.

Sincerely,

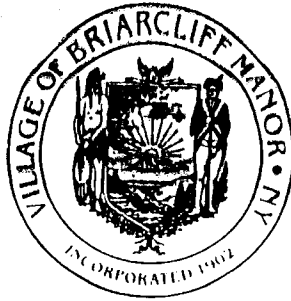
Clay Tiffany

Enclosures:

1. A ~~July~~<sup>1/6/98</sup> 6, 1998 letter regarding William Wetzel's terms as Briarcliff Manor Justice and Mayor.
2. November, 1992 Gazette article regarding William Wetzel and "his Ceola Manor banquet facility".
3. October 11, 1994 Village Voice article page – article written by Wayne Barrett.
4. November 25 – December 2, 1992 Gazette article regarding Wetzel and Ceola Manor.
5. July 29, 1993 Gannett paper article regarding Steven Crea, who is mentioned in October 11, 1994 Village Voice article.
6. A February 24, 1997 Newsday article regarding Wetzel.

Please contact me as to any questions you may have regarding all this.

VILLAGE OF  
BRIARCLIFF MANOR



1111 PLEASANTVILLE ROAD  
BRIARCLIFF MANOR, N. Y. 10510  
TELEPHONE: (914) 941-4800  
FAX: (914) 941-4837

January 6, 1998

Clayton Tiffany  
P.O. Box 306  
Briarcliff Manor, NY 10510

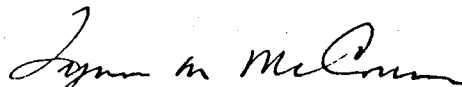
Dear Mr. Tiffany:

This is in response to your FOIL request dated 1/2/98, regarding the public service of William Wetzel.

Mayor Wetzel served as Mayor from June 23, 1990, to November 19, 1992. He resigned as Mayor at the Village Board meeting on November 19, 1992, and was appointed Village Justice.

Mr. Wetzel served as Village Justice until June 23, 1995. His letter of resignation dated June 20, 1995, is enclosed.

Sincerely,

  
Lynn M. McCrum  
Village Manager

LMM:mp

Enclosures (2):

1. FOIL, 1/02/98
2. Ltr., 6/20/95

le space in your paper, and through  
 us hearts of your people so that we  
 eiful hearts for some help in our  
 to wallow in abject poverty and  
 misfortunes made more miserable  
 e making life a horrible nightmare.  
 ey, of some help you can share with  
 ythes and some financial aid to help  
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 are with us to help lighten our sad  
 offerings. You and your kindness is  
 pray and confide in your Christian  
 iy us your helping hands and a share

ic touches your hearts to respond to  
 will be deeply grateful to hear from  
 s be showered a hundredfold to you

Julion Leper Island, 5315 Cullion,  
 Palawan, Philippines

in last week's Croton/Cortlandt and  
 October 29, 1992) of *The Gazette*, we  
 take complete responsibility.  
 venience to you and to your readers.  
 such an error will not happen again.

John DeSanto  
 Director of Contract Printing  
 Southern Dutchess News



At Saturday's Open Door anniversary celebration/"roast" for Briarcliff Manor Mayor William Wetzel (from left); Maura Troy and her husband Joe, principal of Briarcliff High School; Pat Wetzel and her husband William; and Open Door Executive Director Margaret Greismer and former Town of Ossining supervisor Richard Wisniewski, chairman of Open Door's board of directors.

## Open Door marks 20th, 'roasts' Wetzel

Some 165 supporters of the Ossining Open Door Family Health Center in Ossining turned up in the tiny Yorktown hamlet of Jefferson Valley Saturday night for a 20th anniversary celebration of the facility's founding—and more.

Briarcliff Manor Mayor William Wetzel, a long-time supporter of the not-for-profit Open Door—who booked the \$100-a-plate event at his Ceola Manor banquet facility—probably expected to hear both serious and humorous remarks that night. Indeed, he and fellow guests did just that—including a far-ranging commentary on his many years of service to Open Door and the people of Briarcliff.

As it turned out, the occasion was a much an anniversary celebration/fund-raiser for Open

Door as a "roast" for the mayor, a former chairman of Open Door's board of directors and, according to Executive Director Margaret Greismer, "a confident, trusted friend and pro bono lawyer."

A former principal in the influential Westchester County law firm Plunkett, Wetzel and Jaffe, Mr. Wetzel "early-on was an active contributor," said Ms. Greismer, able to be reached on the phone at a moment's notice, "a rare experience with lawyers in general." He also exhibited another "unusual trait in a lawyer," she added, the ability to provide "unequivocal answers."

Seated at 20 oval tables for the black-tie affair in the Grand Ballroom, which was decorated with pale yellow and charcoal-color balloons, were numerous current and former elected officials. Sev-

eral of Mr. Wetzel's friends, including current and past colleagues in village government and community affairs, slipped away from their seats mid-way to prepare for participation in a sort of "This is Your Life" tribute; donning costumes that leaned to characterizations of some one dozen people—both imaginary and actual—in the Scarsdale native's life.

The well-versed, well-spoken mayor who often surfaces as a voice of moderation in local affairs found these attributes come under direct though light-hearted attack "You got an 'A' in English," said Elaine Zucchi, wife of Trustee Daniel Zucchi, dressed to characterize Mr. Wetzel's third-grade parochial school teacher. "But an 'F' in logic."

Saturday's event raised \$10,000 for Open Door, including proceeds from a "silent auction" of 15 items ranging from a free trip to a San Diego resort and baskets of cheer to a grave marker (compliments of the Dorsey Funeral Home).

**nda**

**AY, Nov. 5 NOV, 1992**  
 Trustees, twice-monthly public  
 Pleasantville Road, 8 p.m., Croton

1992/'93 budget work session, Anne  
 Cortlandt Avenue, 7:30 p.m. Agenda:  
 issues and recommendations from the  
 class size and transportation guide-

Where is Benedetta  
 Y. Nov. 2 Cuso?

Where is Paul Quilley  
 Y. Nov. 10

twice-monthly public meeting followed  
 Municipal Building, 16 Croton Avenue.

Trustees, work session, Community

Board, work session, Community  
 Wetzel said to own  
 Ceola Manor

**Bazette**

Briarcliff Manor and Scarborough

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 Eileen Mandell, Feature Writer

## Briarcliff High School students 'run' government for a day

By Eileen Mandell  
 Twenty-eight Briarcliff high school juniors and seniors were given a glimpse into the inner workings of the village government of Briarcliff Manor this past Friday. The occasion was Student Gov-

**clarification**

Ossining Children's Center teacher Rosemary Todaro helps some kindergarteners keep their bonnets straight as the kids prepare for a Thanksgiving feast.

## In the spirit of . . .

Dressed as native Americans and pilgrims, the 117 children who attend the Ossining Children's Center enjoyed a full Thanksgiving feast last Thursday.

"I make my own cornbread stuffing," said Ossining resident Vivian Evans, who has cooked a hot meal for the children almost every day for the past 15 years. Ninety-six pounds of turkey, as well as yams, stuffing, gravy and string beans were consumed by the children.

This year, as in the past, the food was donated by the Women's Association and parishioners of First Presbyterian Church of Ossining. For the past eight years, Vera and Stephen Urban have coordinated fund-raising efforts, "gone shopping" and delivered the food to Ms. Evans for her "magic touch."

"We volunteered once, and we keep going back," said Mrs. Urban prior to this year's feast. "We're bringing 13 home-baked cakes this year."

"It's a wonderful contribution and the children really enjoy the feast and the fun," commented Howard Milbert, executive director of the Ossining Children's Center (one of the oldest continuous providers of day care services in the country). Open year-round, including during school recesses, the Center serves children ages 3 to 11 who attend on a sliding-scale fee basis.

"Since the majority of our children receive financial assistance, we rely heavily on community support," Mr. Milbert said.

School district attorney Arnold Green reportedly noted a discrepancy in the architectural firm's report and the engineering plans for the building.

While the architectural firm reported that concrete sections of floors and ceilings were crumbling, it was later determined—confirmed in a second engineering report obtained by the school board in March 1985—that what the first report identified as concrete was actually a substance called "gritcrete." The latter, reportedly used extensively in the '30s, '40s and '50s, is a less expensive alternative to concrete and has qualities that react differently when tested for strength.

As it turned out, the portables continued to be used for two years following the '84/'85 school year, needed to accommodate a major "physical plant" updating of the high school that was a part of a voter-approved capital improvement project referendum.

School board members and ad-

Mr. Shulman said that while he would "prefer" five percent—a figure permitted for a couple of years in the '80s—one percent is too low to help fund unanticipated major expenditures. "One percent can disappear overnight," said Mr. Shulman, of Bennett, Kielson, Storch and Kremer of White Plains.

Also, later that night, discussion of the location for school board meetings was an issue that encompassed a half hour, including talk of future spending mandates to comply with the recently enacted federal regulations requiring "equal access" to handicapped person.

"It has not been noticed by this board that we're on the third floor of a building (the Roosevelt Education Center) that doesn't have an elevator," said board President Richard Schwach.

Options discussed by the board included retaining the Roosevelt Education Center as its regular meeting location (either continuing

meeting sites at a later date.

While the middle school's library is located on the second floor of the building, it is accessible via an elevator, noted district Buildings and Grounds Director Ed Braddick.

Superintendent Roelle said that he would be part of a site inspection committee, along with Mr. Braddick, that will review all sections of district-owned buildings to determine what alterations may have to be made to comply with the federal legislation.

Also, the board is preparing to confront the issue of space in the elementary schools; in particular, a projected crunch at Brookside Elementary School—where every classroom is being utilized and art is delivered "on a cart."

Dr. Roelle said that a separate committee is to be comprised that will examine the issue in detail, including virtually every square foot of building space, and come up with a report "detailing various options" by late February.

## Wetzel resigns as mayor, named judge <sup>11/25-12/2/92</sup>

He entered the meeting room as usual for the regularly scheduled meeting of the Board of Trustees, but an hour and a half later, after Mayor William Wetzel and fellow trustees tended to mostly routine business—with one exception—Mr. Wetzel exited as Briarcliff Manor's new village justice.

As "one final matter of business," Mr. Wetzel announced near the conclusion of last Thursday night's board meeting that, after having conferred with fellow board members, he was resigning as mayor, effective immediately, to take on the post of village justice.

Now in the second half of his eighth term (16th year) of membership on the five-member board, Mr. Wetzel said he had "pretty much decided some time ago this was going to be my last term (anyway)."

"Upon consideration, I believe the judgeship will allow me to serve the village beyond this term," said the mayor. The 52-year-old Central Drive resident, with deep emotion in his voice, then added, "I've discussed this with the board and come to the decision to resign the position of mayor of the

village."

The board then voted to tap Deputy Mayor Freda Delton as Mr. Wetzel's replacement and, after his passing the gavel to his former deputy, was unanimously voted by the four remaining trustees to assume the remaining five months of the unexpired term of Arthur E. Sullivan. Mrs. Delton, 61, then named Trustee Kathryn Pacchiana as her new deputy mayor.

Mr. Sullivan, 71, who served as village justice for 19 years, resigned from the part-time, \$6,000 per year position because he moved to Scarborough Manor in the Village of Ossining.

In the spring, village residents will vote on a four-year term for village justice and two two-year terms for mayor and two trustee seats.

Mr. Wetzel, who served as mayor since May 1990 when he replaced Edward Dorsey, who resigned after seven years as mayor to take a county job, has served as deputy mayor both under Mr. Dorsey and the latter's predecessor, George Kennard.

An attorney now working as an independent consultant,

Mr. Wetzel, is a graduate of New York University School of Law and a former partner in the influential White Plains law firm now known as Plunkett & Jaffe. For 12 years he was an attorney and executive for Reeves Communications in New York City, leaving the firm in 1991. More recently, he renovated a former nightclub and restaurant in the hamlet of Jefferson Valley in Yorktown as a catering and banquet facility.

continued on page 9



Bill Wetzel renovates Coala Manor Banquet facility  
Why is Wetzel not listed with State Liquor Authority?

**Wetzel** *continued from page 1*

"It's hard to give up something you've done for 16 years," commented Mr. Wetzel before exiting the dais—behind which he was to find himself again yesterday (Wednesday) when Judge Wetzel was slated to preside over his first court calendar.

With Mr. Sullivan's resignation as judge, Acting Village Justice James Rittenger had been assigned to preside over the weekly calendar. But other village officials said Mr. Rittenger, husband of village planning board member Kathleen Rittenger, had no interest in being appointed to the position of justice and was finding it difficult to make time for the added workload due to demands of his own law practice.

"I do regret the timing," said Mr. Wetzel, referring to his leaving the board as it awaits a recommendation from the planning board on The Tara Circle Inc.'s controversial application to utilize The King's College campus as an Irish and Irish-American athletic, educational and cultural facility.

However, the Board of Trustees is "experienced, concerned and informed," and "I have every confidence" in Mrs. Delton's ability to lead it, Mr. Wetzel said. As for himself, serving as a judge "is a professional challenge..."

Trustee Jerome Morrissy said the village owed Mr. Wetzel "a tremendous debt of gratitude."

"I've never heard Bill take a position that wasn't designed to be in the best interest of the people of the village," Mr. Morrissy added.

Mrs. Delton, a local real estate agent now in her fifth term (10th year), which also is to expire this spring (March 31), is a resident of Larch Road. She is also current president of the Briarcliff Rotary Club.

Turning to Mr. Wetzel, she told him it would be difficult "to fill your shoes. You're going to make one hell of a judge."

She did not announce whether she would run for election (either as mayor or trustee); nor did Mrs. Pacchiana make an announcement.

Mrs. Pacchiana, who occupies the second trustee seat that will be up for election in March, was appointed to the board in mid-1990 by the then-newly installed Mayor Wetzel to fill out the nine months remaining on Mr. Wetzel's unexpired term of trustee. She had previously served on the board,

having passed by an opportunity to be nominated for re-election in order to return to college.

In Briarcliff Manor, the traditional non-partisan system of selecting candidates for village office will begin another round in January when The People's Caucus advertises for potential candidates to come forward.

With last Thursday being his last official meeting as a member of the Board of Trustees, it was his last opportunity to comment as a trustee on the Tara Circle application. He did so prior to making his announcement.

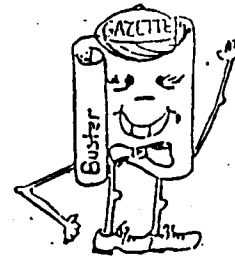
"I'd like to see this whole thing turned down a notch," said Mr. Wetzel, apparently referring to anonymous flyers circulated in the village that have spread rumors and other mis-information, and the recently formed group called "Residents for the Future of Briarcliff Manor." The group has been soliciting funds to retain an attorney in order to "advise" residents on their standing when it comes to Tara's application and plans.

While community "concern" and down-right opposition has surfaced against various development projects in the past, such as Tetko Corporation on Albany Post Road and the development of more than 80 condominiums on the Briar Hall Country Club in the late-'80s and, in 1991, the renovation of a single-family home on Willow Drive for a group home, Mr. Wetzel said that a group hiring its own attorney during the deliberations stage was "without precedent."

"Nobody's looking for an inappropriate land use in the village," maintained Mr. Wetzel, referring to both the Board of Trustees and planning board.

Indeed, Mr. Wetzel has previously said he took strong offense at being labeled by some letter-writers as indifferent to the concerns of fellow village residents on the issue of Tara—despite his being a virtual next-door neighbor of the King's campus.

In a manner and tone of voice that appeared to offer a last opportunity to advise the population as their chief elected official to keep on asking questions but retain level-headedness, added Mr. Wetzel, "That one percent that says 'We can't trust these people'—that's a problem."



# THE GAZETTE

## Recession Buster

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4242 (NYSCAN).

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A new entity, owned entirely by Guilaro's wife, incorporated by the law firm Pataki was long associated with and called Unicorn Contracting Company, won site control last year over Peekskill's last, prime, city-owned, commercial site.

Guillaro secured the site, which is located on the outskirts of town right off the city's main thoroughfare (Route 6), against stiff local competition. He plans to build a 49,000-square-foot office and commercial center on the site, which is called the Forestview or East Main Street parcel by city officials.

The new Unicorn was represented in all its Forestview dealings with Peekskill by Michael Finnegan, Pataki's alter ego, senate counsel, and onetime law partner. Guillaro's Unicorn is also the company that is developing the Pataki subdivision on the family farm, and the lawyer on the first, four-lot closing in that deal last month was William Kelly, a partner in Finnegan's small firm and, like Finnegan, a member of Pataki's senate staff. Finnegan and Kelly were partners in Pataki's old firm, but left three to four years after Pataki died, which was apparently sometime in either 1989 or 1990. (Pataki's campaign resume claims that he left Plunkett & Jaffe in 1987, but the firm's self-description with Martindale Hubbard, court cases listing him as an attorney with the firm, senior partner William Plunkett, and a source who once worked there indicate he was associated with the firm considerably later than that.) A third partner, Steve Mignano, is the part-time assistant corporation counsel for Peekskill.

While Pataki has never been

Why isn't Bill Wetzel listed with the SLA as owner of Ceola Manor?  
**A CONNECTED PARTNER**

Benedetto Cupo was arrested by federal agents a year after he became Jeanne Pacchiana and Paul Guillaro's partner in the Ceola Manor, a Westchester catering hall. But Cupo had been under surveillance before his arrest and his meetings with East Harlem mobsters, according to a source close to the case, had apparently deepened their interest in trying to flip him. It would be two years—and a myriad of conversations with prosecutors about possible cooperation and a plea bargain—before he would be formally charged and sentenced on mail fraud counts related to Westco Leasing, an equipment rental company he ran.

The 34-year-old Cupo pled guilty in April 1993 to defrauding dozens of investors, enticing them to bankroll the acquisition of equipment he falsely claimed he'd already leased to corporate customers at a substantial profit. A source close to the case told the Voice that Cupo got into the equipment business by obtaining leases from Westchester garbage companies, including at least three linked to the mob in state reports and a Westchester Gazette series "A 1 Compaction, Valley Carting, and the Al Tun landfill." While the initial leases were legitimate, he then used them to launch a ponzi scheme of fictitious leases.

Shortly after his subterranean criminal problems hit him in early 1991, he also began having

some serious trouble with Paul Guillaro. When Jeanne Pacchiana and Guillaro signed an agreement in April 1991 dividing Unicorn's assets, Guillaro assumed the Pacchiana interest in the manor, becoming Cupo's sole partner in the venture. But by July, Guillaro was suing Cupo charging that Cupo had misappropriated \$223,000 in Ceola funds, and filing detailed accounting sheets that indicated that Cupo had deposited the cash receipts of the manor into his own corporate entities and failed to report and pay sales, withholding, and other taxes.

Represented by Plunkett & Jaffe, George Pataki's old firm, Guillaro eventually reached a surprising October 1991 settlement with Cupo. Instead of collecting any of the \$320,000 in damages he'd claimed, Guillaro reportedly paid Cupo \$20,000. Cupo, who also owed Guillaro \$175,000 of the original \$275,000 purchase price, agreed to transfer his Ceola stock to Guillaro, according to a source who examined the settlement terms. Cupo and Guillaro reached this agreement at a time when Cupo was still deep in talks with the feds about possible cooperation.

Ostensibly, Guillaro was buying out Cupo to clean up his catering hall license. But instead, Guillaro never reported the change of ownership to the State Liquor Authority, and SLA spokesman Richard Chernella



Steve Crea: reputed ties to Cupo's father-in-law are one link in the mob chain

says Cupo's name is on the license to this day. Guillaro even filed a license renewal application with the SLA in August 1993, and in answer to the first question requiring the disclosure of any arrest or conviction of an owner, checked the box indicating that neither had happened. Chernella told the Voice that if Cupo had indeed been an owner and both arrested and convicted by that date, Guillaro might have made "a false material statement" to the agency, an administrative violation. Guillaro also indicated in the renewal application that no ownership change had occurred.

Until a recent divorce, Cupo was the son-in-law of Al DiLeo, an owner of Halmar Construction, a major Westchester builder that is alleged in FBI documents

to be controlled by Steve Crea, the acting boss of the Lucchese crime family currently under federal racketeering indictment. Brooklyn Alphonse D'Arco, ex-Lucchese boss who's been critical government witness in recent mob trials and may testify against Crea, told four FBI agents in an October 11, 1991, interview that "Crea has control over Halmar Construction." DiLeo, who declined to discuss Cupo, said he "didn't know the guy," when told about the FBI memo connecting Crea to his company. After Guillaro finally got him to transfer his stock back in late 1991, Cupo went to work at PQR, a Mulberry Street restaurant that law enforcement officials have long said is owned by Genovese family capo Marty the Horse Janniello. —W.E.

10/11/94  
Village Voice

Pataki  
Plunkett & Jaffe

Benedetto Cupo - Bill Wetzel - Paul Guillaro - Ceola Manor

STAN MAGIK'S REAL LIFE FUNNIES

UPS 'N' DOWNS

Why isn't Bill Wetzel listed as an owner with the State Liquor Authority?

REMEMBER HOW

WE LIVED IN A CLOSET

I WENT TO THE NEW

I WENT TO THE NEW

I WENT TO THE NEW



# Reputed crime figures indicted in extortion

7/29/93

By Paul Kirby  
and Mike Gallagher  
Staff Writers

A reputed mobster from Pelham Manor was among seven reported members or associates of organized-crime families indicted this week on charges of extorting money from a company that built low-income housing in Yonkers.

The developer — DeLuxe Homes of Pennsylvania Inc. — at controversial housing under a federal desegregation order in Yonkers. But the indictment involves housing developments in the Bronx and Brooklyn and does not allege criminal involvement in connection with the Yonkers project.

Donald Meske, president of DeLuxe Homes, acknowledged yesterday that money was extorted in New York City and that "pressure" was applied in Yonkers as well. But he said management in Pennsylvania was unaware of the payoffs when they occurred and later dismissed employees of DeLuxe's subsidiaries who were involved in the activity.

*Contractor built housing in Yonkers.*

► DeLuxe president says payoffs were sought in Yonkers. 6B

No payoffs were made in Yonkers, he said.

The eight-count indictment, unsealed Tuesday in U.S. District Court in Brooklyn, charges that \$408,000 was extorted from DeLuxe Homes and its subsidiaries, and then laundered through subcontracting companies owned by or associated with organized crime between September 1988 and December 1991.

One of the reputed mobsters is Steven Crea, 46, of 29 Witherbee Ave., Pelham Manor. Crea has been identified by law enforcement officials as a Luchese crime family captain and consigliere.

Crea has been named in several other law enforcement documents describing him as being involved in alleged bribery schemes with former Yonkers

Democratic Party Chairman Ralph Arred. The documents said Crea was a silent partner in a city waterfront project and getting a city-owned parking lot leased for \$1 a year for patrons of a Yonkers restaurant he controls. No one has been charged with wrongdoing in connection with those matters.

Crea was released Tuesday after promising to post \$500,000 in property he owns as bail by tomorrow, said William Muller, executive assistant for the U.S. District Attorney's Office in Brooklyn.

Besides Crea, the defendants and their reputed positions in organized crime are Dominick Truscello, Luchese family soldier; John Gammarano, Gambino family soldier; Salvatore "Sally Dogs" Lombardi, Genovese family captain; and Gaetano "Corky" Vastola, DeCavalcante family soldier.

Also charged were two contractors, Manny Garafolo and Steven Long. They live in New York City, New Jersey or Long Island, except for Lombardi, who is in jail.

Each defendant was released

on bail between \$250,000 and \$500,000 after being arraigned Tuesday in U.S. District Court in Brooklyn, said Muller. They face a maximum sentence of 20 years and a \$250,000 fine on the extortion charges, and 20 years and a \$500,000 fine on money-laundering charges.

Another defendant, Barry Nichilo, a Genovese family associate, previously pleaded guilty to the extortion conspiracy charged in this indictment. Named as an unindicted co-conspirator is Anthony "Gaspipe" Casso, underboss of the Luchese family.

The reputed mobsters are accused of threatening to use labor unions and minority coalitions to disrupt construction sites on Cooney Island and the Bronx, where DeLuxe also was building low-income housing.

"This extortion scheme exacted a heavy toll on the financially strapped low-income housing market," said Zachary W. Carter, U.S. attorney for the Eastern District of New York. "It typifies the insidious effect organized crime has on legitimate business

in the New York area. Ultimately, the cost of this predatory activity is borne by the and the residents of low housing."

The indictment says were held between the and Gambino families to resolve disputes over sharing extortion money paid by DeLuxe.

Prosecutors said money was delivered to Alphonse D'Arco, acting boss of the Luchese family, who has cooperated with law enforcement after pleading guilty last year to charges filed under the Racketeer Influenced Corrupt Organizations Act.

The indictment culminated a long-term investigation by the state Organized Crime Task Force, the Federal Bureau of Investigation, the Internal Revenue Service and the state police. The task force, FBI and Yonkers police are also conducting separate corruption investigations in Yonkers.

The charges follow reports in Gannett Suburban Newspapers in November that DeLuxe was being investigated for possible links to organized crime.

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HEADLINE: LAWYER: JUDGE HID KEY FACT / ASKS JURIST TO QUIT MURDER CASE

BYLINE: By Dan Morrison. STAFF WRITER

BODY:

A Manhattan judge knew of evidence that could have helped a murder suspect in his courtroom, but improperly allowed prosecutors to keep it secret, a defense attorney has charged.

The judge, acting State Supreme Court Justice William Wetzel, has presided over two murder trials of Lorenzo Rodriguez, accused in the February, 1994, slaying of Gregory Steruick of Rhode Island during a drug buy in Washington Heights.

Steruick was killed at 2:15 a.m., when someone pointed a pistol in the driver's side window of his Renault and announced a robbery as Steruick and two friends were waiting for \$200 worth of cocaine, according to testimony. Steruick stepped on the gas and was shot.

In a motion filed Friday asking the judge to recuse himself, Dana Hanna, Rodriguez' lawyer, charged that Wetzel was told by prosecutors before Rodriguez' first trial in February, 1996, that the witness who first identified Rodriguez as the killer, a violent felon named Hector Coste, had himself been a suspect in the murder.

Rodriguez' first trial ended with a hung jury. He was acquitted of intentional murder at his second trial, in May, 1996. That jury deadlocked on the charge of murder committed in the course of a felony. Jury selection for a third trial begins today.

Hanna contends that recently unsealed transcripts of two private, or ex parte, conversations between the judge and prosecutor prior to the first trial show that Coste was probably the killer.

The transcripts indicate that Coste was seen by one of Steruick's friends, George Cancel, at the scene of the shooting (although Cancel's name is misspelled in the text):

"In this first go-round," assistant district attorney Doreen Klein told the judge, ". . . Mr. Cancel sic says he thought Coste may have been at the scene . . . Mr. Cancel sic has since told me he thinks Coste may have been at the window

of the car when the shooting occurs, but he was definitely not the shooter." Hanna also charges that:

- Wetzel knew Coste, 24, closely resembled the man Cancel first identified as the shooter - a "big, broad" black male weighing between 210 and 240 pounds, wearing a black leather coat. Cancel later recanted that description. Law enforcement sources said he has changed his story several times. Rodriguez is a 25-year-old Hispanic who weighs 140 pounds.

- Wetzel knew Coste was charged in a knifepoint robbery on the same street where the murder occurred, three weeks after Steruick was killed.

In the 30-page recusal motion, Hanna says Wetzel "was unquestionably made aware of the same exculpatory facts" and "allowed prosecutorial misconduct to occur." The motion is Hanna's third effort at getting the judge to step down.

Wayne Brison, a spokesman for the Manhattan district attorney, said in an interview that Klein had done nothing improper.

Brison said Coste's identity and other facts were not divulged in the first trial to safeguard Coste's life. Coste testified for the prosecution at the second trial, and most of the facts of his involvement were revealed then.

Wetzel was appointed by Gov. George Pataki in 1995. According to a spokesman for the state court system, he worked as the governor's law partner two decades ago.

Wetzel said in court last month he had "made an ongoing effort to maximize discovery to the defense . . ." and said Hanna's claim was "the most serious charge that can ever be brought against a judge." He called the charge "absurd."

But defense lawyers and experts on legal ethics who were contacted by Newsday said that in withholding information about Coste, the judge and the prosecution were on shaky ground.

"It's a very serious matter," said Monroe Freedman, a Jackson Heights attorney who teaches ethics at Hofstra University Law School. "The prosecution has an obligation, ethically and legally, to give this information to the defense. There is at least a question of the propriety of the prosecutor."

Hanna's defense throughout has been that Coste, and not Rodriguez, killed Steruick.

Months after the murder, while awaiting trial for an armed robbery on the same drug-ridden stretch of West 160th Street, Coste told detectives Rodriguez was the killer. Coste said he was standing on a nearby corner when he saw Rodriguez shoot Steruick.

Coste, who has been arrested 12 times since 1990, pleaded guilty to second-degree attempted robbery five months after he testified against Rodriguez and was sentenced to 2 to 4 years.

Transcripts of hearings held before Rodriguez' first trial show Hanna trying to learn who fingered his client, to little avail.

Hanna: ". . . if this anonymous witness is on the scene, I have a right to know that . . ."

Wetzel: "Well, without alluding to the facts of this case, I don't think the law is that if someone were an eyewitness he then rises to being exculpatory and his identification has to be known. You have to do your own investigation."

At another point, Hanna asked Wetzel, ". . . they have identified Anonymous Witness Number 1 as an eyewitness to the crime. Right or wrong?"

Wetzel replied, "No."

"This person did not see anybody?" Hanna then asked.

Wetzel replied: "That's not necessarily an assumption to be drawn here. But you're certainly not going to cross-examine me to identify the witness."

Ellen Yaroshefsky, an ethics professor at Benjamin Cardozo Law School, said: "There are serious questions here as to whether the judge ought to recuse himself. There is certainly the appearance that he was assisting the prosecution in withholding evidence that was crucial to the defense."

GRAPHIC: Photo - Judge William Wetzel

LANGUAGE: English

LOAD-DATE: February 24, 1997