

**THE FOURTH DAUPHIN COUNTY
INVESTIGATING GRAND JURY**

IN RE: : IN THE COURT OF COMMON PLEAS OF
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. CP-22-MD-000452-2006
THE FOURTH DAUPHIN COUNTY :
INVESTIGATING GRAND JURY : **NOTICE NUMBER: 04-2006-17**

TO THE HONORABLE TODD A. HOOVER, SUPERVISING JUDGE:

PRESENTMENT NO. 6

We, the Fourth Dauphin County Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that a violation of the criminal laws has occurred. So finding with not fewer than twelve concurring, we do hereby make this presentment to the Court.

A handwritten signature in cursive script, appearing to read "Richard C. White".

Foreman - Fourth Dauphin
County Investigating Grand Jury

DATED: JAN 23, 2008

INTRODUCTION

We, the members of the Fourth Dauphin County Investigating Grand Jury, having received evidence pertaining to a possible violation of the Pennsylvania Crimes Code, pursuant to Notice of Submission of Investigation 04-2006-17, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

The Pennsylvania Gaming Control Board issued a gaming license to Mt. Airy, No. 1, LLC. Louis DeNaples is the sole owner of Mt. Airy No. 1, LLC. Prior to the issuance of the license, DeNaples testified under oath concerning his application. DeNaples gave testimony on August 16, 2006 and September 28, 2006. The grand jury received credible evidence demonstrating the falsity of sworn statements made by DeNaples on these occasions. DeNaples' false testimony pertained to his dealings with various persons as described below.

Count One—Perjury Related to Dealings with William J. D'Elia

William J. D'Elia has been publicly identified as member of *La Cosa Nostra* and the head of Bufalino Crime family in Northeastern Pennsylvania. D'Elia is presently under indictment and awaiting trial in the United States District Court for the Middle District of Pennsylvania. On October 17, 2006, prior to the awarding of the gaming license to Mount Airy #1, the United States Attorney for the Middle District of Pennsylvania, announced the indictment of D'Elia for perjury, money laundering, obstruction of justice, interstate transportation of laundered money, solicitation of murder, witness tampering and contempt of court. At the time of DeNaples' August 16,

2006, testimony, D'Elia was under indictment for conspiracy to engage in money laundering, conspiracy to obstruct justice and subornation of perjury.

In sworn testimony on August 16, 2006, in connection with his gaming application, on questioning by an attorney for the Bureau of Investigations and Enforcement, DeNaples testified as follows:

Q: William D'Elia, D-E-L-I-A. We're handing you what was marked as Exhibit 7. According to this, I believe, it was something off the Internet. It's a William D'Elia.

Do you recognize this person?

A: Yes, I do.

Q: How do you know Mr. D'Elia?

A: First of all, he's a local guy that lives in the town not far from us over there and, you know, you hear his name and see him all around. He's a customer at our bank.

Q: And at the bank, you're talking First National?

A: First National Community Bank.

Q: Okay. And have you ever met him?

A: Yes.

Q: Okay. And in what circumstances?

A: Well, he occasionally was in and out of our parts house to come in there for parts.

Q: Parts houses?

A: The auto parts.

Q: Have you spoken to him on the phone as well?

A: Very possibly. He could have called me for something from the bank.

That's where his business is with the bank.

MR. MEIGHAN: What is the nature of his business?

THE WITNESS: Pardon?

MR. MEIGHAN: What is the nature of his business?

THE WITNESS: Well, originally, how he got to our bank is -- and this goes back a long, long time ago -- he used to work for an appliance house, that the appliance company did business with our bank.

That's years ago that he worked for them, and then I believe that he might have bought the business or took over the business. We inherited the account with the bank, the appliance company.

BY MS. DAVENPORT:

Q: You just stated that Mr. D'Elia was at DeNaples Auto Parts. Why would he come to your company?

A: Everybody goes up there. We have a massive automobile dismantling place over there. If you wrecked your car tomorrow and you got a 2006 Mercedes, you could come up and we can get you a door.

We have a big operation. We have people from all over the country; rich, poor, professional people. Really, when their cars are broke, they get desperate.

They can have the refrigerator broke in the house and the roof leaking but when the car don't run anymore, they panic and come for parts. It's a very big and very elaborate parts, dismantling parts company.

There's probably -- not to interrupt you. There's probably not a person up

in the northeast that didn't once or another visit our auto parts for parts for their cars with their kids or their wife.

Q: What does Mr. D'Elia do for a living?

A: I have no idea.

Q: Does Mr. D'Elia have any contracts with Keystone Landfill?

A: No, ma'am.

Q: Does he have any contracts with any companies that are owned by you?

A: No, ma'am, what ever contract he might have with the mortgage on a bank.

Q: Any grievance, any business relationship with Mr. D'Elia?

A: Other than if he came to our counter and bought some parts, that could be years ago.

* * *

Q: You never met with D'Elia on a regular basis?

A: Absolutely not. I told you if he was in our place a couple of time it was for parts – no. It's street talk.

Sworn Statement of Louis A. DeNaples, August 16, 2006, 221-225, 329. (Emphasis added).

Louis A. DeNaples had a close relationship with D'Elia spanning many years. DeNaples was a guest at wedding of D'Elia's daughter, Carolyn Moscatelli, on May 22, 1999. Other attendees included members of *La Cosa Nostra*, "Skinny" Joe Merlino, the head of the Bruno Crime family in Philadelphia, Pennsylvania at that time

and the current acting boss, Joseph "Uncle Joe" Ligambi. DeNaples was invited as a friend of William J. D'Elia. D'Elia spoke of DeNaples to his family as a friend. D'Elia would relate to his children occurrences in DeNaples' life such as the birth of a grandchild. When DeNaples' father was dying, D'Elia would visit him and spend time with the elder DeNaples. When DeNaples' father died, Louis DeNaples personally gave D'Elia his father's rosary beads, indicating that his father wanted him to have them.

Louis DeNaples' unlisted home telephone number is 344-3982. In October 2006, law enforcement members searched a Lincoln Town Car owned by D'Elia pursuant to a search warrant. During the search, officers seized a book containing names and telephone numbers. The book contained an entry for "DeNaples, Lou" and the telephone number 344-3982.

Including the period of the five years prior to DeNaples' August 16, 2006, testimony, DeNaples and D'Elia had frequent in-person contact. Such contact was not limited to instances in which D'Elia went to the DeNaples Auto Parts to buy a part, as claimed by DeNaples. D'Elia frequently met with DeNaples in his private offices at DeNaples Auto Parts. On such occasions, D'Elia would park behind DeNaples vehicle and enter the offices through a private entrance. The occurrence of these meetings was established by testimony from Jeanne Stanton, Samuel Marranta, Salvatore DeFrancesco and D'Elia.

In addition to a friendship, DeNaples and D'Elia had a business relationship. D'Elia was involved in a company called BudTel. BudTel owned and operated public telephones in northeastern Pennsylvania. At the request of D'Elia, DeNaples permitted

BudTel to place public telephones on land controlled by DeNaples or his companies. One of the telephone boxes was located at DeNaples Auto Parts. Another BudTel telephone was located on at land 1004 Exeter Avenue, West Pittston, at a location owned by Theta Land Corporation. Theta in turn was owned by a company controlled by Louis A. DeNaples.

Barry Shapiro was one of the founders of BudTel. BudTel owned and operated thousands of public telephones. Among other places, BudTel owned and operated public telephones in Northeastern Pennsylvania. D'Elia was an independent contractor for BudTel. In this capacity, D'Elia would seek contracts to place BudTel telephones on land owned or controlled by others. BudTel would then enter into a contract with the land owner and pay a commission to D'Elia. D'Elia arranged for the placement of BudTel telephones on land controlled directly or indirectly by Louis A. DeNaples. D'Elia arranged for meetings between Louis A. DeNaples and Shapiro for this purpose. On approximately three occasions, D'Elia and Shapiro met with DeNaples at DeNaples Auto Parts regarding the placement of BudTel telephones. The grand jury received evidence concerning this business relationship through the testimony of D'Elia and Shapiro.

D'Elia arranged for the free printing of brochures for DeNaples Auto Parts through a printing company owned by Thomas Joseph, an associate of D'Elia. In a search warrant execution of D'Elia's home in 2001, state and federal officers seized a folder marked "DeNaples" which contained several samples of the brochures. In this endeavor, D'Elia dealt with Eugene DeNaples, brother of Louis DeNaples. The grand jury received evidence of this arrangement through the testimony of D'Elia and Joseph.

Count Two—Perjury Related to Dealings with Russell Bufalino

Russell Bufalino was the reputed head of an organized crime family in Northeastern Pennsylvania. Bufalino served lengthy federal prison sentences in the 1970s and 1980s for extortion, conspiring to violate the civil rights of a United States citizen and endeavoring to obstruct justice. Bufalino had been arrested in 1957 in connection with the meeting of members of *La Cosa Nostra* from throughout the United States in Apalachin, NY.

In sworn testimony on August 16, 2006, in connection with his gaming application, DeNaples testified as follows:

Q: Are you familiar with Russell Bufalino?

A: Only by name.

Q: B-u-f-a-l-i-n-o. And how do you know him by name?

A: Again, he was a local guy, you know, you hear all kinds of newspaper things about him and all.

Q: What kind of things did you hear?

A: Well –

Q: In the newspaper or otherwise?

A: Organized crime or Mafia. I don't know what that is to tell you the truth.

Sworn Statement of Louis A. DeNaples, August 16, 2006, 229.

DeNaples' testimony regarding Bufalino was knowingly false. DeNaples personally knew Bufalino and had repeated contact with him. D'Elia personally witnessed contact between Bufalino and Louis A. DeNaples on a number of occasions.

In the early 1970s, Louis A. DeNaples went to the C&C Club after a prize fight. DeNaples was in the company of Bufalino and complimented Bufalino on a ring he was wearing. In response, Bufalino gave DeNaples the ring as a gift.

On another occasion, after the flooding that resulted from Hurricane Agnes in 1972, a Pontiac belonging to Russell Bufalino's wife, Carrie, was damaged by flood water. After the car was declared a total loss, it came into the possession of DeNaples. Louis A. DeNaples gave the car back to Bufalino along with parts so that Bufalino, a mechanic, could repair it. DeNaples also gave Bufalino two Fiats. Bufalino took the good half of each Fiat and combined them for use as a single car. This car was later used for years by D'Elia's baby sitter.

In the mid-1970s, Bufalino went to DeNaples Auto Parts to purchase a vehicle and dealt directly with Louis A. DeNaples. During the transaction, DeNaples and Bufalino both acted as though they knew each other. Bufalino purchased the Cadillac, a recovered theft vehicle, from DeNaples.

In the 1970s, DeNaples' home caught on fire. Russell Bufalino went to DeNaples Auto Parts and gave DeNaples three suits. Bufalino indicated that the purpose of the gift was so that DeNaples could wear the suits for meetings.

Louis A. DeNaples regularly attended the annual dinner of the Italian American Civil Rights League. The seating was arranged so that Louis A. DeNaples sat at a table next to the table of Russell Bufalino and James David Osticco. Through, D'Elia, DeNaples bought advertisements in the programs of the annual dinner.

Casper Giumento would frequently act as a conduit between Bufalino, James David Osticco and Louis A. DeNaples. Dominick DeNaples confirmed that Giumento

frequently spent time at DeNaples Auto Parts.

The falsity of DeNaples testimony regarding Bufalino is established through the testimony of D'Elia and Walsh.

Count Three—Perjury Related to Dealings with Shamsud-din Ali

Shamsud-din Ali was an imam connected with a mosque located at 4700 Wyalusing Avenue, Philadelphia, Pennsylvania. Ali was previously known as Clarence Fowler, prior to his conversion to Islam. Ali is presently serving a sentence of 87 months of imprisonment as a result of convictions in the United States District Court for the Eastern District of Pennsylvania. Specifically, on June 14, 2005, a jury convicted Ali of racketeering, conspiracy to commit racketeering, conspiracy to commit mail fraud, mail fraud, interstate travel in aid of racketeering, use of the mails in aid of racketeering, bank fraud, extortion and attempted extortion under the Hobbs Act.

In sworn testimony on August 16, 2006, in connection with his gaming application, on questioning by an attorney for the Bureau of Investigations and Enforcement, DeNaples testified as follows:

Q: How about Clarence Fowler, F-o-w-l-e-r?

A: No.

Q: **And I believe he's also Sham Sud-din Ali?**

A: **Do I know him? No, but based on this due diligence for this application over here, it's a possibility that himself and another black person came with a local consultant to our complex to talk about bringing some sludge from Philadelphia to our facility and very, very short conversation.**

Number one, we don't take sludge. We had no interest in it. That was that kind of the thing. I don't even know. I can't tell you -- there was two black people and a local consultant who brought them there, a local consultant that lives in the area up by us.

Q: Who is the local consultant?

A: Brazil, Jamie Brazil. He's a fund-raising guy, local consultant. His father was a -- Chairman of the council City of Scranton for years and the brothers are lawyers. So it's a prominent family up in the Scranton area.

Q: Mr. Brazil brought Ali and --

A: I don't know if it's Ali. It's two black people. That's all I know.

Q: And it was for the purpose of doing business with sludge and --

A: They wanted -- they were interested in bringing sludge to the landfill.

Q: And that's something you wouldn't do for anybody?

A: We don't take sludge, no. We only take sludge from the local municipality. They got no -- we were very in and out, have no interest.

Q: What year, approximately, did that take place?

A: Four or five years ago, maybe.

Q: But that's the extent of your contact with him?

A: I don't know what they were. Like I said, there were two black people.

(PGCB Exhibit No. 18 was marked for identification)

Q: I'm showing you what is marked as Exhibit 18. It's a photograph. Is that who we're talking about, Mr. Ali?

A: Yeah. I couldn't -- no, I couldn't --

Q: Maybe it is, maybe it isn't?

A: To me, black people all look alike.

Sworn Statement of Louis A. DeNaples, August 16, 2006, 300-303. (Emphasis added).

The testimony that DeNaples did not know Ali was false. DeNaples testimony that he was not interested in the proposal of Ali and his associate was also false.

Ali testified that he had met DeNaples on three or four occasions. Jamie Brazil and John Johnson were also present for Ali's first meeting with DeNaples at DeNaples Auto Parts. DeNaples gave Ali and the others a tour of the facility and indicated that he was receptive to their proposal to receive waste from Philadelphia. Additionally, DeNaples informed D'Elia that he had met with Ali.

Samuel Staten, Sr. also testified before the grand jury concerning contact between DeNaples and Ali. Staten accompanied Ali to a meeting with DeNaples at DeNaples Auto Parts. Brazil was also present. DeNaples gave his visitors a tour of the facility. As developed more fully below, during this meeting at his office, DeNaples ranted about money he had given Ron White.

The grand jury heard the recording of an intercepted telephone conversation between DeNaples, Ali, Brazil, and Betty Kakareka, DeNaples' personal assistant, that occurred on July 30, 2002. The Federal Bureau of Investigation recorded the call pursuant to an Order of the United States District Court for the Eastern District of Pennsylvania. During that call the following exchange occurred.

Brazil: Uh, Betty, I have Imam Shamsud-din Ali on the other line, Imam, This is Betty, that's uh Louis' personal assistant.

Ali: Good morning. How are you doing?

Kakareka: Good morning. He is on the phone. I don't know if you can hold for a minute. I will try to get him off.

Brazil: Yeah, we'll hold, cause its good news.

Kakareka: Okay. I did tell him you were going to call. I figured you'd be calling back. Hold on please.

* * *

DeNaples: Hello.

Brazil: Louis.

Ali: Good morning.

DeNaples: Hello.

Brazil: This is imam and Jamie Brazil on the line.

DeNaples: Imam and Jamie, how are you.

Ali: Good morning, how're you doing?

DeNaples: I'm fine. How are you?

Ali: Very good. It's good to talk to you again.

DeNaples: It's good to talk to you. How's the family?

Ali: Everybody's good. How's everyone in your family?

DeNaples: Thank God, they're good.

Ali: That's great.

Brazil: The Imam's got some good news for you, Louis.

DeNaples: Okay

Ali: Anyway, we took care of that thing down at the university.

DeNaples: Okay.

Ali: Parking place will be right across the street from the school.

DeNaples: What, is it a parking garage or ah.

Ali: It's a parking lot right adjacent to the school.

DeNaples: 38th and Spruce?

Ali: Yes.

DeNaples: Okay. How do we, how do I go about ah -- it'll be so she can come in and out at any time, right?

Ali: Absolutely.

DeNaples: Okay.

Ali: Absolutely, she'll have a parking spot there. Now what -- she probably knows all of the details already.

DeNaples: Okay. Nobody said -- nobody called us with anything yet.

Ali: Yeah, but I'm saying your daughter knows -- she's down there, right?

DeNaples: Pardon? No, she's up here. She starts, she starts school in, ah, two more weeks.

Ali: I can tell you that she will get a parking spot directly across from the school. She won't have to walk but a few steps to her car.

DeNaples: Okay. How do we -- Who do we make contact with so we, so we can find out what we're doing here?

Ali: Well there person that is down there -- the name is Maureen Rush.

DeNaples: Okay. I talked to her yesterday.

Ali: Okay, well, she set it up. Now if there is any, any -- if you ask her,

she is going to tell you the number and the lot and everything, if you call, or have someone to call for that.

DeNaples: Okay, I have her number right here, 215-898-7515.

Ali: Right. And they'll give you the number of the lot and everything.

DeNaples: Okay, so we should call Maureen Rush.

Ali: Yeah, you could, you could have your secretary or someone to call for that information -- Maureen Rush. And she'll give you all the information as to where, the location, everything.

DeNaples: Okay. As of yesterday, she knew, she said there was nothing, unless something -- this must have happened after, right?

Ali: Well, as of yesterday, there may have been nothing. But I can tell you it's done.

DeNaples: I appreciate it. We'll call her right now. And I thank you very, very much.

Brazil: Louis, I want to ask you a question.

DeNaples: Yes.

Brazil: The imam and I got a call about -- and I don't know if it's a bogus call, or what's up with it -- getting rid of all the debris from the homes they're tearing down in Philadelphia and nobody's accepting it. And I said, you got to be kidding. Like no landfills -- nobody's accepting this stuff.

DeNaples: We can definitely take it. You know, me and you talked about this but it never materialized, remember?

Ali: Um-huh, that's right.

Brazil: Yeah, well, I got a call from, and between us, John Minora, saying he's got a buddy by the name of Ray someone, Rinaldi or something that can ship it by rail out to Ohio. And me and the imam were talking, saying jeez, I can't believe no one would take this stuff.

DeNaples: No, we definitely could take it. In fact, we talked about you guys bringing it to us and nothing ever materialized -- nobody ever contacted --

Ali: Right

DeNaples: Nobody, nothing ever happened.

Brazil: Shawn Fordham never called, called you?

DeNaples: We never -- remember we had the meeting here.

Ali: They never called him.

DeNaples: Nobody ever called me. In fact, we never got one ounce of material or business from that city of Philadelphia at all.

Ali: Um-huh.

DeNaples: Nothing at all, but --

Brazil: Well, that's what we got to go on --

DeNaples: We could definitely, definitely take that material.

Ali: Okay, now look, Lou.

DeNaples: Yes.

Ali: Let me, let me give you one other name -- give you the name of the person who is the key person. This is my man who did, did the work for us. His name is Bill, his name is Bill, or William Bergman, B-E-R-G-M-A-N, William Bergman.

DeNaples: Okay.

Ali: So when you speak to Maureen Rush, if she want to know per who, just say William Bergman, cause he made all the arrangements for me -- it's done.

DeNaples: Very good. Could I tell Maureen that Bergman made the arrangements?

Ali: Yes, he spoke to her. She spoke to Bergman. Just bring Bergman to her attention. She'll, she'll tell you the whole story -- yes. But, uh, Bergman is the head -- he's the vice-president at Temple University, right.

DeNaples: Okay.

Ali: And he knows the people over there, he coordinated it for me. So it's done. I know it's done. He called me this morning and told me it's done.

DeNaples: I'm going to call her right now.

Ali: Okay.

Brazil: So, Louis, you'd be willing to accept this.

DeNaples: Absolutely. Absolutely, in fact, it would be business for us and we'd be very appreciative if we got it.

Ali: Okay.

Brazil: Yeah, because, you know, I mean I got Sam talking to the mayor to find out --

DeNaples: In fact, not only that, I got two landfills that I can take it in. I can take it in -- I can take it into the CES, our other landfill in Schuylkill County.

Brazil: Now let's keep this between ourselves, cause when I got that call I thought to myself

DeNaples: I'll wait for you to call me.

Brazil: Yeah.

DeNaples: I'll do nothing 'til one of you people get back to me.

Ali: Okay.

Brazil: Yeah, I'll find out if they are, they are having a hard problem getting rid of it. If they are, we know where it's going.

DeNaples: Yeah, but even if they don't have a hard time getting rid of it maybe you can get something coming our way to help us a little and help everybody.

Ali: That's right.

DeNaples: If we get helped, everybody gets helped, you know.

Brazil: The mayor thinks you are being taken care of, because after Sam and the imam came up to visit you, they went right to the mayor's office, and right in front of them Shawn Fordham was supposed to call you.

DeNaples: I can tell you right now that I had absolutely no conversation with anybody about any business at all other than when you people was in my office. And from that day on --

Ali: Nothing.

DeNaples: I had talked to absolutely nobody in Philadelphia about ten cents worth of business. Nobody called me and I didn't call them because --

Brazil: Hear that, Imam?

Ali: Yeah.

DeNaples: I'm the kind of guy that -- I won't push. I'm not a pushy guy -- you know that there.

Brazil: Right, right.

Ali: I understand. But look, Lou, there is also the [unintelligible] person. Let me give you my cell phone number as well, because if there is any snag call me back. This thing is done.

DeNaples: Let me have it.

Ali: Area code 215

DeNaples: Okay.

Ali: 416

DeNaples: Okay

Ali: 1882

DeNaples: Thanks very, very much -- appreciate it.

Ali: Okay.

Brazil: No problem.

DeNaples: Bye-bye.

Grand Jury Exhibit No. 4.

Agents John Meighan and Roger Greenbank of the Bureau of Investigation and Enforcement (BIE) of the Gaming Control Board interviewed Louis A. DeNaples prior to the sworn statements on August 16 and September 28, 2006. Meighan and Greenbank had learned that DeNaples had received an inventory from the United States District Court for the Eastern District of Pennsylvania informing him that he had been the subject of a court authorized interception of communications. According to Meighan, DeNaples was "very, very vague" in his response. DeNaples indicated that he "might have received something from the phone company". Actually, on December 19, 2003, two FBI agents personally served DeNaples at his office with the notice. The agents

displayed their credentials and one of the agents gave DeNaples his business card. The inventory notified DeNaples that he had been the subject of a non-consensual interception of his communications. The inventory contained DeNaples' name as addressee. The inventory contained the federal court docket and was captioned "In the Matter of the Application of the United States of America for an Order Authorizing the Interception of Wire Communications Occurring over Telephone Facility 215-782-1521, Subscribed in the Name of Faridah Ali, 36 Latham Parkway, Cheltenham, Pennsylvania, Etc." DeNaples' responses to Meighan and Greenbank in this regard were intentionally vague and deceptive.

The falsity of DeNaples' testimony regarding Shamsud-din Ali was established through the testimony of Jamie Brazil, Shamsud-din Ali, Samuel Staten, Sr., and D'Elia. Their testimony is corroborated by the above intercepted conversation.

Count Four—Perjury Related to Dealings with Ron White

Ron White was an attorney licensed to practice in Pennsylvania with offices in Philadelphia. White was a close political associate of Mayor John F. Street. In 2004, a federal grand jury in the Eastern District of Pennsylvania handed up an indictment, charging White with conspiracy to commit honest services fraud, 22 counts of wire fraud, four counts of mail fraud, two counts of extortion, and five counts of making false statements to the FBI. White died on November 4, 2004, while the federal charges were pending.

In sworn testimony on August 16, 2006, in connection with his gaming application, on questioning by an attorney for the Bureau of Investigations and

Enforcement, DeNaples testified as follows:

Q: Ron White, do you know him and if so how?

A: No.

Q: Have you even heard of him?

A: I heard his name in the last couple of months back and forth with, you know, when getting prepared for this gaming thing I heard his name. That's all.

Q: No business with a gentleman by the name of Ron White?

A: No.

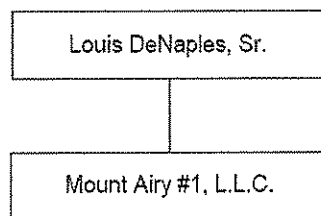
Sworn Statement of Louis A. DeNaples, August 16, 2006, 300. (Emphasis added)

In 1999, Street, then a candidate for mayor, traveled to Scranton with Ron White. In the early morning, Street and White met with DeNaples, Jamie Brazil and Attorney John Minora at the Raddison Hotel in Scranton. In sworn testimony, both Brazil and Minora confirmed this contact between White and DeNaples. In his testimony, Mayor Street confirmed that he went to Scranton for a small meeting in the early morning in 1999. Street was not sure who else was present for the meeting but believed that White was there. Street could not confirm or deny the presence of DeNaples. The testimony of Mayor Street tends to corroborate the testimony of Brazil and Minora. On another occasion, Sam Staten, a union official and associate of Mayor Street, met with DeNaples in the office of DeNaples Auto Parts. As described above, during a meeting in his office, in the presence of Samuel Staten, Sr., DeNaples ranted about how he had given \$50,000 to Ron White and could not get a return telephone call from White or Mayor Street. DeNaples also informed D'Elia that he had met with Mayor Street and

Ron White. DeNaples told D'Elia that he had given them \$50,000. The falsity of DeNaples testimony regarding Ron White was established through the testimony of Brazil, Minora, D'Elia, and Staten. Their testimony is further corroborated by the testimony of Mayor Street.

Criminal Liability of Mount Airy #1, LLC

Mount Airy #1, LLC is a limited liability company organized pursuant to 15 Pa. C.S. Ch. 89. Robert Rossi filed a Certificate of Organization with the Corporation Bureau of the Pennsylvania Department of State on July 14, 2004. Rossi was the sole organizer. On December 23, 2004, Rossi transferred all right, title, and interest as an organizer of Mount Airy #1, LLC to Louis DeNaples. As of that date and thereafter, Louis DeNaples was "the exclusive member/owner of Mount Airy #1, L.L.C., the same being a single member, L.L.C." According to documents filed by Mount Airy # 1, LLC, as of December 15, 2005, the ownership of the organization was as follows:



At the time of his testimony, Louis A. DeNaples was acting on behalf of Mount Airy #1, LLC, as a high managerial agent.

RECOMMENDATION OF CHARGES

Based upon the evidence we have obtained and considered, which establishes a prima facie case, we, the members of the Fourth Dauphin County Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings against Louis A. DeNaples and charge him with four counts of perjury, and institute criminal proceedings against Mount Airy #1, LLC, and charge it with four counts of perjury.