

NEWS

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FOR IMMEDIATE RELEASE
May 5, 2008

Former Local 825 Business Agent
Admits Taking Bribe from Contractor

(More)

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NEWARK – A former business agent of Local 825 of the International Union of Operating Engineers pleaded guilty today to taking a bribe from a contractor in exchange for permitting the contractor to use non-union labor, U.S. Attorney Christopher J. Christie announced.

Arthur Heimall, 69, of Sussex, pleaded guilty to a one-count criminal Information before U.S. District Judge Stanley R. Chesler, charging him with conspiracy to demand and receive an unlawful labor payment. Under federal law, it is unlawful for any officer or employee of a labor union, such as a business agent, to demand or receive money or anything of value from an employer that the labor union represents.

According to the Information, Local 825 represents approximately 7,000 construction equipment operators, mechanics and surveyors. The Information charges Heimall with conspiring with an individual referred to as “A.M.,” a Local 825 operating engineer, and “A.C.,” an owner of a construction company, to demand and receive a cash bribe to permit A.C.’s company to use non-union labor at a construction project in Fairfield. The Information refers to A.M. and A.C. as un-indicted co-conspirators.

At his plea hearing, Heimall acknowledged that as a business agent he was responsible for representing Local 825’s members who worked at various construction projects. Heimall told Judge Chesler that in about September 2005, A.C. signed a Job Site Agreement for the Fairfield project. By signing the Job Site Agreement, Heimall acknowledged that A.C.’s company was required to employ and pay Local 825 operating engineers at the project.

Heimall admitted that A.C. requested permission to use a non-union operating engineer at the project. In exchange for permitting A.C.’s company to use non-union labor, Heimall stated that A.C. paid A.M. approximately \$5,000 in cash. Heimall further admitted that A.M. then gave Heimall approximately \$2,000 in cash. Heimall told Judge Chesler that he knew the cash came from A.C., and that it was illegal for him to accept the money from A.C.

Sentencing is scheduled for Sept. 16, 2008.

Heimall faces a statutory maximum prison sentence of five years in prison and a \$250,000 fine

In determining an actual sentence, Judge Chesler will consult the advisory U.S. Sentencing Guidelines that provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant’s criminal history, if

any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Christie credited Special Agents of the FBI, under the direction of Special Agent in Charge Weysan Dun; Special Agents of the U.S. Department of Labor Office of Inspector General, under the direction of Inspector General Gordon S. Heddell; and Special Agents of the IRS Criminal Investigation Division, under the direction of Special Agent in Charge William P. Offord; and investigators from the Employee Benefits Security Administration, under the direction of Regional Director Jonathan Kay, with the investigation leading to the plea.

This case is being prosecuted by Assistant U.S. Attorney Anthony Moscato of the U.S. Attorney's Office Strike Force Unit, in Newark.

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Defense Attorney: Joseph J. Bell, Esq.