

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

DECLARATION OF
RONALD MANCUSO

v.

08-CR-611 (FJS)

PAUL MANCUSO, LESTER MANCUSO,
and STEVEN MANCUSO,

Defendants.

DECLARATION

I, Ronald Mancuso, declare as follows:

1. I am over 18 years of age, and I make this declaration pursuant to 28 U.S.C. § 1746. I declare that the following statements are true and correct to the best of my knowledge and belief and are based on my personal knowledge. This declaration is filed in support of Government's Consolidated Response to Defendants' Pretrial Motions.

2. In October 2008, I pled guilty to a one-count Information charging me with a conspiracy to violate the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9603, in violation of 18 U.S.C. § 371. A copy of my plea agreement is attached hereto and made part hereof as Exhibit 1.

3. As part of that plea agreement I agreed to cooperate with the investigation and prosecution of Paul Mancuso, Steven Mancuso (my brothers), and Lester Mancuso, and to furnish truthful information in connection with that prosecution.

4. I have reviewed the affidavits of Paul Mancuso and Frank Policelli dated February 10, 2009.

5. There are numerous inaccuracies and false statements contained in these various papers that I wish to correct.

The Tape Recording

6. The affidavit of Frank Policelli raises an issue regarding a taped conversation between me and David Comstock. On that tape I stated that, I “was always told [by defendants] to do ‘everything by the law.’” This recorded statement was false.

7. Paul Mancuso and I suspected that David Comstock was cooperating with federal law enforcement. On the day the conversation was recorded, I patted down Mr. Comstock and discovered that he was wearing hidden recording equipment.

8. Upon making this discovery, I began making these false statements in an effort to protect myself and the defendants.

Ownership & the Use of Nominees

9. In several paragraphs of his affidavit, Paul Mancuso claims that he did not own, operate, affiliate himself with, set up, license, or otherwise control businesses – e.g., Kodiak. These statements are entirely false.

10. Steven and Paul Mancuso incorporated or otherwise established, for instance, Kodiak. In many instances they used “nominees” (including me) when establishing these business entities. They did so to work around the fact that Paul Mancuso was not licensed and was otherwise prohibited from affiliating himself in any way with the asbestos business during the 2003 to 2005 time-frame. While Kodiak, for instance, listed different owners, operators, etc., Paul Mancuso was, in fact, the owner and/or manager.

11. When originally establishing Kodiak, Paul Mancuso approached me and said, "we'll be 'partners' in the business. All you need to do is bring materials to, and remain on, the job site. I will run the asbestos part of the business."

12. Paul Mancuso's name was left off all filings to work around the fact he was not licensed and was otherwise prohibited from associating himself in any way with the asbestos business.

Comstock & Gee

13. In paragraphs 26 and 27 of his affidavit, Paul Mancuso states that Kodiak had no employees and that Paul Mancuso never directed David Comstock or Jeff Gee on asbestos projects. That statement is also false.

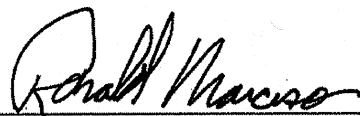
14. Paul was, in fact, arranging for and managing asbestos projects being conducted by Kodiak at 133 West Smith Street, and other projects.

15. In paragraph 24 and elsewhere in the affidavit of Paul Mancuso, he claims that he did not know David Comstock or Jeffrey Gee. This statement is false.

16. I saw these individuals interact on numerous occasions and was involved in numerous conversations involving Paul Mancuso, David Comstock and Jeffrey Gee.

I declare under penalty of perjury that the foregoing is true and correct and is based on my personal knowledge.

Date: March 26, 2009


Ronald Mancuso