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JUDGE
PATRICK J. McCABE
STATE OF LOUISIANA

PARISH OF JEFFERSON

24th JUDICIAL DISTRICT COURT

SUIT NO. 715-024

DIVISION

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PARISH OF JEFFERSON, LA

**THE LOUISIANA BOARD OF ETHICS
ACTING IN ITS CAPACITY AS THE
SUPERVISORY COMMITTEE ON CAMPAIGN FINANCE DISCLOSURE**

VERSUS

**RIVER BIRCH, INC., WESTSIDE CONSTRUCTION SERVICES, INC.,
DOMINICK J. FAZZIO, BIG BANG PROPERTIES, LLC,
ANNE'S PROPERTIES, LLC, DANGLE & ASSOCIATES, LLC,
B&C CONTRACTORS, LLC, WATER FRONT PROPERTIES, LLC,
RING ASSOCIATES, LLC, and N.C. GENERAL CONTRACTORS, INC.**

PETITION:

NOW INTO COURT, through undersigned counsel, comes Petitioner, the Louisiana Board of Ethics (the "Board"), acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, who respectfully represents:

1.

Petitioner is an agency of the State of Louisiana domiciled in East Baton Rouge Parish.

2.

Made defendants herein are:

1. **RIVER BIRCH, INC.:** A corporate entity domiciled and doing business in the Parish of Jefferson, State of Louisiana, whose agent for Service of Process is Heebe & Heebe (PLC), 2000 Belle Chasse Hwy., Third Floor, Terrytown, LA 70056 (Hereinafter sometimes referred to as "River Birch");
2. **WESTSIDE CONSTRUCTION SERVICES, INC.:** A corporate entity domiciled in the Parish of St. Tammany, State of Louisiana, whose agent for Service of Process is Dominick J. Fazzio, 1625 Lake Maurepas, Harvey, LA 70058 (Hereinafter sometimes referred to as "Westside").
3. **DOMINICK J. FAZZIO:** an individual over the age of majority, resident of the State of Louisiana, residing at 1625 Lake Maurepas, Harvey, LA 70058, who can be served through his Attorney of Record, Stephen London, 2950 Entergy Center, 1100 Poydras Street, New Orleans, LA 70163;
4. **BIG BANG PROPERTIES, LLC:** A corporate entity domiciled and doing business in the Parish of Jefferson Parish, State of Louisiana, whose agent for Service of Process is Richard P. Richter, 909 Poydras St., 28th Floor, New Orleans, LA 70112;

- 5. **ANNE'S PROPERTIES, LLC:** A corporate entity domiciled and doing business in the Parish of Jefferson Parish, State of Louisiana, whose agent for Service of Process is Richard P. Richter, 909 Poydras St., 28th Floor, New Orleans, LA 70112;
- 6. **DANGLE & ASSOCIATES, LLC:** A corporate entity domiciled and doing business in the Parish of Jefferson Parish, State of Louisiana, whose agent for Service of Process is Richard P. Richter, 909 Poydras St., 28th Floor, New Orleans, LA 70112;
- 7. **B&C CONTRACTORS, LLC:** A corporate entity domiciled and doing business in the Parish of Jefferson Parish, State of Louisiana, whose agent for Service of Process is Richard P. Richter, 909 Poydras St., 28th Floor, New Orleans, LA 70112;
- 8. **WATER FRONT PROPERTIES, LLC:** A corporate entity domiciled and doing business in the Parish of Jefferson Parish, State of Louisiana, whose agent for Service of Process is Richard P. Richter, 909 Poydras St., 28th Floor, New Orleans, LA 70112;
- 9. **RING ASSOCIATES, LLC:** A corporate entity domiciled and doing business in the Parish of Jefferson Parish, State of Louisiana, whose agent for Service of Process is Richard P. Richter, 909 Poydras St., 28th Floor, New Orleans, LA 70112, and
- 10. **N.C. GENERAL CONTRACTORS, INC.:** A corporate entity domiciled and doing business in the Parish of Jefferson Parish, State of Louisiana, whose agent for Service of Process is Douglas P. Calderera, 1125 Wyndham S., Gretna, LA 70056.

3.

Pursuant to La. R.S. 18:1511.7, venue is proper in this Court.

4.

Pursuant to La. R.S. 13:4521, the State of Louisiana, or its agencies, are not required to prepay the court costs associated with the filing of this Petition.

5.

La. R.S. 18:1505.2A prohibits a person from giving, furnishing, or contributing monies, materials, supplies, or making loans to or in support of a candidate or to any political committee, **through or in the name of another, directly or indirectly.**

I. RIVER BIRCH, INC.

6.

River Birch is a corporate entity engaged in the waste management business, domiciled in Jefferson Parish, Louisiana.

7.

Defendant Dominic Fazzio is the CEO of River Birch. Mr. Fazzio is responsible for the day to day operations of River Birch, and has the authority to sign checks and distribute River Birch funds during the ordinary course of business.

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8.

Upon information and belief, during the years 2009 to the present, River Birch knowingly and willfully gave, furnished or contributed money to or in support of candidates and political committees, through or in the name of another, directly or indirectly, in violation of La. R.S. 18:1505.2A.

9.

Upon information and belief, during the years 2009 to the present, River Birch knowingly and willfully deposited funds into the account of Defendant Westside, which would then, knowingly and willfully transfer the funds to one of seven (7) "straw man entities", who would then, knowingly and willfully, make separate campaign donations to various candidates or political committees, favored by River Birch.

10.

Upon information and belief, Dominic Fazzio, CEO of River Birch, incorporated and controlled the following four (4) companies in order to knowingly and willfully make campaign contributions to candidates or political committees in the name of another. The following entities are also named defendants in this lawsuit and are hereinafter referred to as "straw man entities":

1. Big Bang Properties, LLC;
2. Anne's Properties, LLC;
3. Dangle and Associates, LLC, and
4. Ring Associates, LLC.

11.

Upon information and belief, Dominic Fazzio, CEO of River Birch, controlled the day to day operations and finances of the following three (3) companies, which knowingly and willfully made campaign contributions to candidates or political committees in the name of another. The following entities are also named defendants in this lawsuit and are referred to hereinafter as "straw man entities":

1. B&C Contractors, LLC;
2. Water Front Properties, LLC, and
3. N.C. General Contractors, Inc.

12.

Upon information and belief, the "straw man entities" exist, for no other substantial reason than to distribute River Birch funds in the form of campaign contributions to candidates or political committees.

13.

During the years 2009 to the present, the plaintiff believes that approximately 34 separate transactions have occurred whereupon River Birch has knowingly and willfully furnished, or contributed monies, materials, supplies, or made loans to or in support of candidates or political committees, **through or in the name of another.**

II. WESTSIDE CONSTRUCTION SERVICES, INC.

14.

In 2006, Defendant Dominic Fazio incorporated Defendant Westside Construction Services, Inc. Mr. Fazio is the owner and director of Defendant Westside.

15.

Upon information and belief, Defendant Westside exists for no other substantial reason than to knowingly and willfully distribute funds, which are deposited by River Birch, into Westside's accounts, to candidates or political committees.

16.

Upon information and belief, during the years 2009 to the present, Defendant Westside knowingly and willfully gave, furnished or contributed money to or in support of candidates and political committees, through or in the name of another, directly or indirectly, in violation of La. R.S. 18:1505.2A.

17.

Upon information and belief, during the years 2009 to the present, Westside, knowingly and willfully authorized its funds, received from River Birch, to be distributed as contributions to various candidates or political committees, favored by River Birch.

18.

Upon information and belief, during the years 2009 to the present, Westside, knowingly and willfully authorized funds to be transferred to one of the seven (7) named "straw man entities"¹, who would then, knowingly and willfully, make separate campaign contributions to various candidates or political committees, favored by River Birch and/or Westside.

¹ The "straw man entities" referenced in this paragraph of the Plaintiff's Petition are described with specificity in Paragraphs 9 and 10 of the Plaintiff's Petition.

19.

During the years 2009 to the present, the plaintiff believes that approximately 34 separate transactions have occurred whereupon Westside knowingly and willfully furnished, or contributed monies, materials, supplies, or made loans to or in support of candidates or political committees, **through or in the name of another.**

III. DOMINICK J. FAZZIO

20.

Upon information and belief, Defendant Dominick Fazzio, during the years 2009 to the present, knowingly and willfully gave, furnished or contributed money to or in support of candidates and political committees, through or in the name of another, directly or indirectly, in violation of La. R.S. 18:1505.2A.

21.

Upon information and belief, during the years 2009 to the present, Dominick Fazzio, knowingly and willfully authorized the funds of River Birch and/or Westside to be transferred to one of the seven (7) named "straw man entities"², who would then, knowingly and willfully, make separate campaign contributions to candidates or political committees favored by Dominick Fazzio, River Birch and/or Westside.

22.

During the years 2009 to the present, the plaintiff believes that approximately 34 separate transactions have occurred whereupon Dominick Fazzio knowingly and willfully furnished, or contributed monies, materials, supplies, or made loans to or in support of a candidate or to any political committee, **through or in the name of another.**

IV. BIG BANG PROPERTIES, LLC

23.

During the years 2009 to the present, the plaintiff believes that Big Bang Properties, LLC, knowingly and willfully, furnished, or contributed monies, materials, supplies, or made loans to or in support of a candidate or political committee, **through or in the name of another.**

² The "straw man entities" referenced in this paragraph of the Plaintiff's Petition are described with specificity in Paragraphs 9 and 10 of the Plaintiff's Petition.

V. ANNE'S PROPERTIES, LLC

24.

During the years 2009 to the present, the plaintiff believes that Anne's Properties, LLC, knowingly and willfully, on approximately 2 distinct occasions, furnished, or contributed monies, materials, supplies, or made loans to or in support of a candidate or political committee, **through or in the name of another.**

VI. DANGLE & ASSOCIATES, LLC

25.

During the years 2009 to the present, the plaintiff believes that Dangle & Associates, LLC, knowingly and willfully, on approximately 6 distinct occasions, furnished, or contributed monies, materials, supplies, or made loans to or in support of a candidate or political committee, **through or in the name of another.**

VII. RING ASSOCIATES, LLC

26.

During the years 2009 to the present, the plaintiff believes that Ring Associates, LLC, knowingly and willfully, on approximately 6 distinct occasions, furnished, or contributed monies, materials, supplies, or made loans to or in support of a candidate or political committee, **through or in the name of another.**

VIII. B&C CONTRACTORS, LLC

27.

During the years 2009 to the present, the plaintiff believes that B&C Contractors, LLC, knowingly and willfully, on approximately 4 distinct occasions, furnished, or contributed monies, materials, supplies, or made loans to or in support of a candidate or political committee, **through or in the name of another.**

IX. WATER FRONT PROPERTIES, LLC

28.

During the years 2009 to the present, the plaintiff believes that Water Front Properties, LLC, knowingly and willfully, on approximately 4 distinct occasions, furnished, or contributed monies, materials, supplies, or made loans to or in support of a candidate or political committee, **through or in the name of another.**

X. N.C. GENERAL CONTRACTORS, INC.

29.

During the years 2009 to the present, the plaintiff believes that N.C. General Contractors, Inc., knowingly and willfully, furnished, or contributed monies, materials, supplies, or made loans to or in support of a candidate or political committee, **through or in the name of another.**

30.

Upon information and belief, the system created and implemented by the Defendants, in an effort to make contributions to candidates or political committees through or in the name of another, existed prior to 2009.

31.

The plaintiff is of the belief that prior to 2009, approximately 46 separate transactions occurred, wherein the Defendants used the created system of straw man entities to make contributions to candidates or political committees through or in the name of another.

32.

Pursuant to La. R.S. 18:1505.2A(2)(a) any person who violates the provisions of La. R.S. 18:1505.2A knowingly and willfully shall be assessed a penalty equal to twice the amount of the contribution.

WHEREFORE, Petitioner prays that:

- A. After due proceedings are had, the Defendants **RIVER BIRCH, INC., WESTSIDE CONSTRUCTION SERVICES, INC., DOMINICK J. FAZZIO, BIG BANG PROPERTIES, LLC, ANNE'S PROPERTIES, LLC, DANGLE & ASSOCIATES, LLC, B&C CONTRACTORS, LLC, WATER FRONT PROPERTIES, LLC, RING ASSOCIATES, LLC, and N.C. GENERAL CONTRACTORS, INC.,** be found in violation of the provisions of the Campaign Finance Disclosure Act (La. R.S. 42:18:1481 *et seq.*).
- B. After due proceedings are had the Defendants **RIVER BIRCH, INC., WESTSIDE CONSTRUCTION SERVICES, INC., DOMINICK J. FAZZIO, BIG BANG PROPERTIES, LLC, ANNE'S PROPERTIES, LLC, DANGLE & ASSOCIATES, LLC, B&C CONTRACTORS, LLC, WATER FRONT PROPERTIES, LLC, RING ASSOCIATES, LLC, and N.C. GENERAL CONTRACTORS, INC.,** be assessed appropriate penalties in accordance La. R.S. 18:1505.2A.
- C. After due proceedings are had the Defendants **RIVER BIRCH, INC., WESTSIDE CONSTRUCTION SERVICES, INC., DOMINICK J. FAZZIO, BIG BANG PROPERTIES, LLC, ANNE'S PROPERTIES, LLC, DANGLE & ASSOCIATES, LLC, B&C CONTRACTORS, LLC, WATER FRONT PROPERTIES, LLC, RING ASSOCIATES, LLC, and N.C. GENERAL CONTRACTORS, INC.,** be assessed with all costs associated with these proceedings including legal interest from date of judicial demand.

- D. After due proceedings are had, the State of Louisiana, and Louisiana Board of Ethics acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure are entitled to all equitable and just relief.

Respectfully submitted,

**Louisiana Board of Ethics acting in its
capacity as the Supervisory Committee on
Campaign Finance Disclosure**

By 

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*Counsel for the Louisiana Board of
Ethics acting in its capacity as the
Supervisory Committee on Campaign
Finance Disclosure*

Please Serve the Following:

1. **RIVER BIRCH, INC.**
Through its agent for Service of Process
Heebe & Heebe (PLC),
2000 Belle Chasse Hwy.
Third Floor
Terrytown, LA 70056
2. **WESTSIDE CONSTRUCTION SERVICES, INC.**
Through its agent for Service of Process
Dominick J. Fazzio
1625 Lake Maurepas
Harvey, LA 70058
3. **DOMINICK J. FAZZIO**
Through his Attorney of Record,
Stephen London
2950 Entergy Center
1100 Poydras Street
New Orleans, LA 70163
4. **BIG BANG PROPERTIES, LLC**
Through its agent for Service of Process
Richard P. Richter
909 Poydras St., 28th Floor
New Orleans, LA 70112
5. **ANNE'S PROPERTIES, LLC**
Through its agent for Service of Process
Richard, P. Richter
909 Poydras St., 28th Floor
New Orleans, LA 70112

6. **DANGLE & ASSOCIATES, LLC**
Through its agent for Service of Process
Richard P. Richter
909 Poydras St., 28th Floor
New Orleans, LA 70112
7. **B&C CONTRACTORS, LLC**
Through its agent for Service of Process
Richard, P. Richter
909 Poydras St., 28th Floor
New Orleans, LA 70112
8. **WATER FRONT PROPERTIES, LLC**
Through its agent for Service of Process
Richard P. Richter
909 Poydras St., 28th Floor
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9. **RING ASSOCIATES, LLC**
Through its agent for Service of Process
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New Orleans, LA 70112
10. **N.C. GENERAL CONTRACTORS, INC.**
Through its agent for Service of Process
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