

DA 142 CR008836-2054

3/9/20 D11

DISTRICT COURT OF THE COUNTY OF SUFFOLK, NEW YORK CC # 18-992112/SDA

First District - Docket Nos. Arrest #

FELONY COMPLAINT

STATE OF NEW YORK)
COUNTY OF SUFFOLK)
The People of the State of
New York

DEFENDANTS IN CUSTODY
FROM DATE AND TIME

- 1.
2.
3.

- vs Allstate Enterprises Inc.} Defendant

NAME: Detective Investigator Daniel Ayrovainen #287

of SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE Sqd. # FIMLB

being duly sworn, says that on or about June 23, 2018 and June 29, 2018

at Locations including 155 Lowndes Avenue Huntington Station, New York 11746
County of Suffolk, State of New York, the defendant(s)

Allstate Enterprises Inc.
of 2369 Stewart Avenue, Westbury, New York 11590

Committed the offense(s) of:

COUNT ONE -OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, AN E FELONY,
IN VIOLATION OF SECTION 175.35(1) OF THE PENAL LAW OF THE STATE OF NEW YORK

COUNT ONE

In that: A person is guilty of offering a false instrument for filing in the first degree when knowing that a written
instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision,
public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant,
public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded
in or otherwise become a part of the records of such public office, public servant, public authority or public benefit
corporation.

TO WIT: The defendant, Allstate Enterprises Inc., in the Town of Huntington, County of Suffolk, State of New York, on
or about June 27, 2018, did present to a representative of the Huntington Union Free School District, for a district wide
capital improvement project, Payment Bond number CSC225221, and Performance Bond number CSC225221, each dated
June 26, 2018, which appeared to have been issued by Colonial Surety Company on behalf of the defendants company,
Allstate Enterprises Inc. The Payment Bond and Performance Bond were later determined to be fraudulent documents by
Colonial Surety Company, who had no record of ever having issued said bonds. Colonial Surety additionally reports that
bond number CSC-225221 corresponds to bonds issued by Colonial on behalf of a different principal for a different
project.

This complaint is based on information and belief, the source of said information and belief being the supporting
deposition of George Austin, dated 1/23/2020, and Forgery Affidavit of Philip Shepard, dated 2/21/2020.

COUNT TWO- WILLFUL FAILURE TO FILE PAYROLL RECORDS WITHIN THE DEPARTMENT OF JURISDICTION, AN E FELONY, IN VIOLATION OF SECTION 220. 3- a(a)(iii) OF THE LABOR LAW OF THE STATE OF NEW YORK

COUNT TWO

IN THAT: A person is guilty of failure to file payroll records with the department of jurisdiction when a contractor or subcontractor fails to submit to the department of jurisdiction, within 30 days after the issuance of its first payroll, and every thirty days thereafter, a transcript of the original payroll record, setting forth the names and addresses and showing for each worker, laborer, or mechanic the hours and days worked, the occupations worked, the hourly wage rates paid and the supplements paid, or provided, subscribed and sworn to or affirmed as true under the penalties of perjury.

TO WIT: The defendant, Tosif Siddiqi, in the Town of Huntington, County of Suffolk, State of New York, on or about and between June 23, 2018 and June 29, 2018, in his capacity as owner of Allstate Enterprises Inc., did fail to submit to the Huntington Union Free School District, within 30 days after the issuance of its first payroll, a transcript of the original payroll record in the form of a Certified Payroll for a district wide capital improvement project.

This complaint is based on personal knowledge and your deponents review of all submitted certified payrolls.

SWORN TO BEFORE ME 25th, February, 2020

[Signature]
Signature of Administering Oath

[Signature]
Detective Investigator Daniel Ayrovainen

SBE/124
Title



SUFFOLK COUNTY DISTRICT ATTORNEY
TIMOTHY D. SINI
STATEMENT FORM

C.C. # 18 - 992112

Date 1/23/2020 Time 4:30pm

Page 1 of 2

GEORGE AUSTIN
name

(being duly sworn) deposes and says:
DA.

(words "being duly sworn" are to be crossed out if a sworn statement is not being prepared) that I am 59 years old.
(age)

I was born on 3/5/1960. I am giving this statement to DETECTIVE INVESTIGATOR AYONAINEN

I am giving this statement freely, having received no threats or promises to do so.

I AM PRESENT AT THE OFFICE OF BUILDING AND GROUNDS FOR THE HUNTINGTON UNION FREE SCHOOL DISTRICT LOCATED AT 188 OAKWOOD RD HUNTINGTON, N.Y., WHERE I AM EMPLOYED AS THE DIRECTOR OF BUILDINGS AND GROUNDS. PRESENT FOR THIS STATEMENT IS DETECTIVE INVESTIGATOR DANIEL AYONAINEN AND DISTRICT ATTORNEY INVESTIGATOR JAMES MCKEENAL. ON MAY 7, 2018, ALLSTATE ENTERPRISES INC, 2369 STENANT AVENUE, WESTBURY, N.Y. WAS AWARDED A CONTRACT FOR A DISTRICT-WIDE CAPITAL IMPROVEMENT PROJECT FOR BATHROOM RENOVATIONS IN SEVERAL OF THE BUILDINGS IN THE DISTRICT. THE DISTRICT HAD SERIOUS ISSUES WITH ALLSTATE ENTERPRISES INC. FROM THE VERY BEGINNING DUE TO SIGNIFICANT DELAYS IN THEIR SUBMISSION OF BONDS AND INSURANCE. THE SPECS. ON THE BID GIVE THE CONTRACTOR 4 WEEKS TO PROVIDE THESE DOCUMENTS, HOWEVER, ALLSTATE TOOK 7 WEEKS TO GET THEM INTO THE DISTRICT. PERFORMANCE AND PAYMENT BONDS WERE FIRST SUBMITTED ON JUNE 21, 2018 BY ALLSTATE ENTERPRISES INC., HOWEVER, THEY WERE REJECTED DUE TO THE WRONG DATE BEING ON THE CONTRACT. ON MONDAY JUNE 25, 2018 JOSEF SIDDIQI, THE OWNER OF ALLSTATE, PICKED UP THE INCORRECT BONDS FROM ME AT THE JACK ABRAMS SCHOOL. ON WEDNESDAY, JUNE 27, 2018, JOSEF SIDDIQI MET ME AT THE JACK ABRAMS SCHOOL, WHICH IS WHERE ADMINISTRATION OFFICE IS LOCATED, AND PERSONALLY DELIVERED TO ME A PERFORMANCE BOND AND A PAYMENT BOND FROM THE COLONIAL SURETY COMPANY, 123 TIDE BLVD, WOODOLFA LAKE, NJ, 07677. I REVIEWED THE BONDS FOR ACCURACY AND SIGNATURES AT THE TIME. I HAVE BEEN SHOWN COPIES OF

Signature of person giving statement

False statements made herein are punishable as a class "A" misdemeanor pursuant to Section 210.45 of the Penal Law

[Signature]
Signature of person giving statement

1/23/2020
Date

Sworn to before me this ___ day of ___ 20__

Notary Public

[Signature] #314
Witnessing officer

CONTINUING STATEMENT OF George Austin AS GIVEN TO Det. Investigator Daniel Ayroyminan AT 188 OAKWOOD RD HUNTINGTON, N.Y.

Payment and Performance Bonds detailing this project, with Allstate Enterprises Inc. as Contractor, the Huntington UFSD as owner, and Colonial Surety Company listed as the Surety Company, dated June 26, 2018. I have identified these bonds. I loaned to me as copies of the bonds delivered to me by Josef Siddiqi on June 27, 2018. Josef Siddiqi is known to me as the owner of Allstate Enterprises Inc. after having met with him at least 5 times during the course of this project, including the bid opening on 4/26/2018, where he had to sign it. Allstate was eventually terminated from the project due to failure to submit approvals on time and failure to submit a start date on the project. They had already begun demolition without giving us a start date causing damage by doing asbestos removal without proper notice on postings.

When the District attempted to exercise its legal rights to recover damages through calling in the bonds, the District Attorney was advised that the bonds were not authorized and appear to be fraudulent.

In addition I would like to add that prior to notifying the bonding company, a meeting was held with Josef Siddiqi, myself, the District Attorney John Sheehan, and Kathleen Aiken, Asst Superintendent for business, as well as Dave Buzutowski the architect. At that meeting Josef Siddiqi was advised that the District was going to exercise its rights to cancel his contract. That is when the attorney cracked out to the bonding company and found out they were not authorized by Surety. This statement has been prepared for me by Detective Investigator Daniel Ayroyminan, I have read it and state it to be true and accurate. (123)

[Handwritten signature]

SWORN BEFORE ME THIS _____ DAY OF _____, 20_____

[Handwritten signature] 1/23/2020
sh. #314

NOTARY PUBLIC



POLICE DEPARTMENT, COUNTY OF SUFFOLK, N.Y.
ACCREDITED LAW ENFORCEMENT AGENCY
FORGERY AFFIDAVIT

CC# 18-992112

STATE OF NEW YORK }
COUNTY OF SUFFOLK } SS:

I, Philip Shepard

deposes and says:

I have examined the original of the attached photocopy of a written instrument ostensibly made, drafted, drawn, or endorsed or otherwise signed by me.

The instrument is false in that it was not made, drafted, drawn, or endorsed or otherwise signed by me and I did not authorize the making, completing or altering thereof in its present form, in that _____

Colonial Surety Company has no record of ever having issued attached performance bond no. CSC-22521, and attached payment bond no. CSC-22521, dated June 26, 2018, which were allegedly presented by Allstate Enterprises Inc. to the Huntington UFSD for a District Wide Capital Improvement project. The noted bond number corresponds to bonds issued by Colonial on behalf of a different principle, for a different obligee, and project. The signatures of Philip Shepard on the bonds detailed above are not authentic, and were not authorized by me.

Affiant Signature: _____

Philip Shepard

Date: _____

2-21-2020

Subscribed and sworn to before me this

21st day of February, 2020

Rita Alfano

Notary Public

False statements made herein are punishable as a Class "A" misdemeanor pursuant to Section 210.45 of the N.Y.S. Penal Law.

Witnessing Officer

Date