

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, SS**

**SUPERIOR COURT DIVISION  
NO. 16-84-CR00751 &  
NO. 16-84-CR00752**

**COMMONWEALTH**

**v.**

**JOSEPH B. KERRISSEY, III**

**And**

**J. KERRISSEY, LLC**

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**COMMONWEALTH'S STATEMENT OF THE CASE<sup>1</sup>**

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Now comes the Commonwealth in the above-captioned matter and, for the purposes of the Court's edification only, respectfully files the following Statement of the Case:

The defendant, Joseph B. Kerrissey, III, has owned and operated J. Kerrissey, LLC since 2007, serving the company's sole corporate officer. The defendant and his company are in the construction business, performing site demolition and development on various public and private projects.

From January of 2011 through June of 2015, the defendant, engaged in a pattern of wage theft, regularly bouncing payroll checks to employees and refusing to pay when those employees sought their wages owed. The defendant failed to pay employees at all; failed to pay for all hours worked; failed to pay employees at their agreed upon rate; failed to pay the required prevailing wage rate on public construction projects; and failed to pay employees overtime for hours worked over forty in a week. The impacted employees range from operating engineers and laborers to

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<sup>1</sup> This statement of the case is a summary of the facts. It is not intended to be a complete statement of the facts or evidence that the Commonwealth will rely on at trial or disposition.

bookkeepers. Some worked no more than a day, while others remained for up to 10 months, hoping to recover their unpaid wages. The Commonwealth alleges the defendant owes 31 workers approximately \$105,000.00.

The defendant failed to remit the required employer contributions to the Department of Unemployment Assistance's (DUA) Unemployment Trust Fund for 5 separate quarters between October 1, 2011 – March 31, 2014 and currently owes the DUA approximately \$62,902.16.

The Commonwealth also alleges the defendant intentionally failed to submit true and accurate certified payroll records to the Attorney General upon demand, and to multiple awarding authorities on public construction projects.

Respectfully submitted,  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL

DATED: October 26, 2016

  
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