

INDICTMENT
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
THE PEOPLE OF THE STATE OF NEW YORK

- AGAINST -

INDICTMENT # 3562-18

ROY S. TUCCILLO, SR., ROY TUCCILLO, JR.,
DIVERSIFIED PROCESSORS, INC., and
PROCESSORS, INC.,

DEFENDANTS.
-----X

GRAND LARCENY IN THE THIRD DEGREE,
Penal Law § 155.35(1)
(10 COUNTS)

Roy S. Tuccillo, Sr., (10 Counts),
Roy Tuccillo, Jr., (10 Counts),
Diversified Processors, Inc., (9 Counts),
and Processors, Inc. (6 Counts).

FAILURE TO SECURE WORKERS'
COMPENSATION COVERAGE, Workers'
Compensation Law § 52(1)(a)
(1 COUNT)

Roy S. Tuccillo, Sr., (1 Count),
Roy Tuccillo, Jr., (1 Count),
Diversified Processors, Inc., (1 Count),
and Processors, Inc. (1 Count).

FAILURE TO PAY WAGES IN
ACCORDANCE WITH THE LABOR LAW,
Labor Law §§ 198-a(1) and 191(1)(a)(i)
(8 COUNTS)

Roy S. Tuccillo, Sr., (8 Counts),
Roy Tuccillo, Jr., (8 Counts),
Diversified Processors, Inc., (7 Counts),
and Processors, Inc. (6 Counts).

March 1, 2018

A TRUE BILL


Acting Foreperson
FOREPERSON OF THE GRAND JURY

COUNT ONE

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about November 1, 2014, to on or about November 1, 2015, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 1, a person known to the Grand Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 1, the value of which exceeded three thousand dollars.

COUNT TWO

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about November 1, 2014, to on or about April 4, 2016, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 2, a person

known to the Grand Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 2, the value of which exceeded three thousand dollars.

COUNT THREE

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about December 20, 2014, to on or about July 31, 2015, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 3, a person known to the Grand Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 3, the value of which exceeded three thousand dollars.

COUNT FOUR

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about January 1, 2015, to on or about July 1, 2016, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 4, a person known to the Grand Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 4, the value of which exceeded three thousand dollars.

COUNT FIVE

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about March 15, 2013, to on or about April 17, 2017, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 5, a person known to the Grand Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 5, the value of which exceeded three thousand dollars.

COUNT SIX

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about January 1, 2014, to on or about November 15, 2016, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 6, a person known to the Grand Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 6, the value of which exceeded three thousand dollars.

COUNT SEVEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about July 1, 2016, to on or about November 15, 2016, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 7, a person known to the Grand

Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 7, the value of which exceeded three thousand dollars.

COUNT EIGHT

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about March 15, 2013, to on or about December 20, 2016, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 8, a person known to the Grand Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 8, the value of which exceeded three thousand dollars.

COUNT NINE

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about April 15, 2016, to on or about November 20, 2016, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 9, a person known to the Grand Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 9, the value of which exceeded three thousand dollars.

COUNT TEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of GRAND LARCENY IN THE THIRD DEGREE, in violation of Penal Law § 155.35(1), committed as follows:

The defendants, in the County of Nassau, during a period from on or about March 15, 2013, to on or about July 15, 2016, stole property from a person known to the Grand Jury, the value of which exceeded three thousand dollars, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, wrongfully withheld wages owed to Employee # 10, a person known to the Grand Jury, by failing to pay him or her all wages owed for hours worked, thereby stealing property from Employee # 10, the value of which exceeded three thousand dollars.

COUNT ELEVEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE, in violation of Workers' Compensation Law § 52(1)(a), and committed as follows:

The defendants, in the County of Nassau, during a period from on or about January 17, 2016, to on or about July 1, 2016, as employers, did not secure workers' compensation coverage for their employees, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, as employers, failed to secure the payment of compensation for more than five employees within a twelve-month period.

COUNT TWELVE

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., of the crime of FAILURE TO PAY WAGES IN ACCORDANCE WITH THE LABOR LAW, in violation of Labor Law §§ 198-a(1) and 191(1)(a)(i), committed as follows:

The defendants, in the County of Nassau, during a period from on or about November 1, 2014, to on or about April 4, 2016, as employers, did not pay the wages of their employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, as required by Labor Law § 191(1)(a)(i), and that the defendants, as the officers and agents of a corporation, partnership or limited liability company, did knowingly permit the corporation, partnership or limited liability company to violate the Labor Law by failing to pay

the wages of any of its employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., acting together and in concert, failed to pay Employee # 2, known to the Grand Jury, all wages earned.

COUNT THIRTEEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., of the crime of FAILURE TO PAY WAGES IN ACCORDANCE WITH THE LABOR LAW, in violation of Labor Law §§ 198-a(1) and 191(1)(a)(i), committed as follows:

The defendants, in the County of Nassau, during a period from on or about January 1, 2015, to on or about July 1, 2016, as employers, did not pay the wages of their employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, as required by Labor Law § 191(1)(a)(i), and that the defendants, as the officers and agents of a corporation, partnership or limited liability company, did knowingly permit the corporation, partnership or limited liability company to violate the Labor Law by failing to pay the wages of any of its employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Diversified Processors, Inc., acting together and in concert, failed to pay Employee # 4, known to the Grand Jury, all wages earned.

COUNT FOURTEEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of FAILURE TO PAY WAGES IN ACCORDANCE WITH THE LABOR LAW, in violation of Labor Law §§ 198-a(1) and 191(1)(a)(i), committed as follows:

The defendants, in the County of Nassau, during a period from on or about March 15, 2013, to on or about April 17, 2017, as employers, did not pay the wages of their employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, as required by Labor Law § 191(1)(a)(i), and that the defendants, as the officers and agents of a corporation, partnership or limited liability company, did knowingly permit the corporation, partnership or limited liability company to violate the Labor Law by failing to pay the wages of any of its employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, failed to pay Employee # 5, known to the Grand Jury, all wages earned.

COUNT FIFTEEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of FAILURE TO PAY WAGES IN ACCORDANCE WITH THE LABOR LAW, in violation of Labor Law §§ 198-a(1) and 191(1)(a)(i), committed as follows:

The defendants, in the County of Nassau, during a period from on or about January 1, 2014, to on or about November 15, 2016, as employers, did not pay the wages of their employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, as required by Labor Law § 191(1)(a)(i), and that the defendants, as the officers and agents of a corporation, partnership or limited liability company, did knowingly permit the corporation, partnership or limited liability company to violate the Labor Law by failing to pay the wages of any of its employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, failed to pay Employee # 6, known to the Grand Jury, all wages earned.

COUNT SIXTEEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Processors, Inc., of the crime of FAILURE TO PAY WAGES IN ACCORDANCE WITH THE LABOR LAW, in violation of Labor Law §§ 198-a(1) and 191(1)(a)(i), committed as follows:

The defendants, in the County of Nassau, during a period from on or about July 1, 2016, to on or about November 15, 2016, as employers, did not pay the wages of their employees

weekly and not later than seven calendar days after the end of the week in which the wages were earned, as required by Labor Law § 191(1)(a)(i), and that the defendants, as the officers and agents of a corporation, partnership or limited liability company, did knowingly permit the corporation, partnership or limited liability company to violate the Labor Law by failing to pay the wages of any of its employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., and Processors, Inc., acting together and in concert, failed to pay Employee # 7, known to the Grand Jury, all wages earned.

COUNT SEVENTEEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of FAILURE TO PAY WAGES IN ACCORDANCE WITH THE LABOR LAW, in violation of Labor Law §§ 198-a(1) and 191(1)(a)(i), committed as follows:

The defendants, in the County of Nassau, during a period from on or about March 15, 2013, to on or about December 20, 2016, as employers, did not pay the wages of their employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, as required by Labor Law § 191(1)(a)(i), and that the defendants, as the officers and agents of a corporation, partnership or limited liability company, did knowingly permit the corporation, partnership or limited liability company to violate the Labor Law by failing to pay the wages of any of its employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, failed to pay Employee # 8, known to the Grand Jury, all wages earned.

COUNT EIGHTEEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of FAILURE TO PAY WAGES IN ACCORDANCE WITH THE LABOR LAW, in violation of Labor Law §§ 198-a(1) and 191(1)(a)(i), committed as follows:

The defendants, in the County of Nassau, during a period from on or about April 15, 2016, to on or about November 20, 2016, as employers, did not pay the wages of their employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, as required by Labor Law § 191(1)(a)(i), and that the defendants, as the officers and agents of a corporation, partnership or limited liability company, did knowingly permit the corporation, partnership or limited liability company to violate the Labor Law by failing to pay the wages of any of its employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, failed to pay Employee # 9, known to the Grand Jury, all wages earned.

COUNT NINETEEN

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants, Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., of the crime of FAILURE TO PAY WAGES IN ACCORDANCE WITH THE LABOR LAW, in violation of Labor Law §§ 198-a(1) and 191(1)(a)(i), committed as follows:

The defendants, in the County of Nassau, during a period from on or about March 15, 2013, to on or about July 15, 2016, as employers, did not pay the wages of their employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, as required by Labor Law § 191(1)(a)(i), and that the defendants, as the officers and agents of a corporation, partnership or limited liability company, did knowingly permit the corporation, partnership or limited liability company to violate the Labor Law by failing to pay the wages of any of its employees weekly and not later than seven calendar days after the end of the week in which the wages were earned, to wit:

Defendants Roy S. Tuccillo, Sr., Roy Tuccillo, Jr., Diversified Processors, Inc., and Processors, Inc., acting together and in concert, failed to pay Employee # 10, known to the Grand Jury, all wages earned.

ERIC T. SCHNEIDERMAN
NEW YORK STATE ATTORNEY GENERAL
120 Broadway
New York, New York 10271

By: _____


Jeremy Pfetsch, Assistant Attorney General

SUPREME COURT: COUNTY OF NASSAU: STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

ROY S. TUCCILLO, SR., ROY TUCCILLO, JR., DIVERSIFIED PROCESSORS, INC., and
PROCESSORS, INC.,

Defendant.

ERIC T. SCHNEIDERMAN
New York State Attorney General

INDICTMENT FOR:

Grand Larceny in the Third Degree, Penal Law § 155.35(1) (Roy S. Tuccillo, Sr.)	10 COUNTS
Grand Larceny in the Third Degree, Penal Law § 155.35(1) (Roy Tuccillo, Jr.)	10 COUNTS
Grand Larceny in the Third Degree, Penal Law § 155.35(1) (Diversified Processors, Inc.)	9 COUNTS
Grand Larceny in the Third Degree, Penal Law § 155.35(1) (Processors, Inc.)	6 COUNTS

Failure to Secure Workers' Compensation Coverage, Workers' Compensation Law § 52(1)(a) (Roy S. Tuccillo, Sr.)	1 COUNT
Failure to Secure Workers' Compensation Coverage, Workers' Compensation Law § 52(1)(a) (Roy Tuccillo, Jr.)	1 COUNT
Failure to Secure Workers' Compensation Coverage, Workers' Compensation Law § 52(1)(a) (Diversified Processors, Inc.)	1 COUNT
Failure to Secure Workers' Compensation Coverage, Workers' Compensation Law § 52(1)(a) (Processors, Inc.)	1 COUNT

Failure to Pay Wages in Accordance with the labor Law, Labor §§ 198-a(1) and 191(1)(a)(i) (Roy S. Tuccillo, Sr.)	8 COUNTS
Failure to Pay Wages in Accordance with the labor Law, Labor §§ 198-a(1) and 191(1)(a)(i) (Roy Tuccillo, Jr.)	8 COUNTS
Failure to Pay Wages in Accordance with the labor Law, Labor §§ 198-a(1) and 191(1)(a)(i) (Diversified Processors, Inc.)	7 COUNTS
Failure to Pay Wages in Accordance with the labor Law, Labor §§ 198-a(1) and 191(1)(a)(i) (Processors, Inc.)	6 COUNTS

A TRUE BILL
Foreman
