

PETER C. HARVEY
Attorney General of New Jersey
Attorney for Complainant
State of New Jersey
Department of Law and Public Safety
Division of Gaming Enforcement
1300 Atlantic Avenue
Atlantic City, NJ 08401

By: Mitchell A. Schwefel
Gary A. Ehrlich
Assistant Attorneys General

R. Lane Stebbins
Deputy Attorney General
(609) 441-3417

STATE OF NEW JERSEY,
DEPARTMENT OF LAW AND
PUBLIC SAFETY, DIVISION OF
GAMING ENFORCEMENT,

Complainant,

v.

INTERSTATE INDUSTRIAL
CORPORATION, INTERSTATE
DRYWALL CORPORATION,
FRANK A. DITOMMASO AND :
PETER N. DITOMMASO,

Respondents.

STATE OF NEW JERSEY
CASINO CONTROL COMMISSION
DOCKET NO.

Civil Action

COMPLAINT FOR REVOCATION
OF LICENSURE AND QUALIFICATION

Complainant, State of New Jersey, Department of Law and Public Safety,
Division of Gaming Enforcement (Division), located at 1300 Atlantic Avenue,

Atlantic City, New Jersey 08401, says:

THE PARTIES

1. Respondents Interstate Industrial Corporation and Interstate Drywall Corporation (referred to collectively, along with other affiliated companies, as "Interstate") are the holders of non-gaming casino service industry licenses (4684-70 and 4700-70, respectively) issued by the Casino Control Commission (Commission) on July 21, 2004.

2. Respondents Frank A. DiTommaso and Peter N. DiTommaso (referred to collectively as "the DiTommasos") are the owners/operators and qualifiers of Interstate, found qualified by the Commission on July 21, 2004.

3. The Division is responsible, pursuant to the Casino Control Act (Act), *N.J.S.A. 5:12-76 and 108*, for the investigation of the potential disqualification of all licensees and qualifiers of licensees and for the filing and prosecution before the Commission of complaints for the revocation of licensure and qualification.

COUNT I
(Association with Career Offenders and Career Offender Cartels)

4. The Division objected to the initial licensure of Interstate and the qualification of the DiTommasos based on their association with career offenders and career offender cartels.

5. Following a lengthy hearing, the Commission issued a decision finding numerous associations between and among Interstate and the DiTommasos and individuals and businesses affiliated with the Gambino and DeCavalcante Families of La Cosa Nostra (LCN), including: Marine Contracting; Flagship Construction; Francis "Buddy" Leahy (Gambino associate); Mickey Cahill (Gambino associate); William Murtha (Gambino associate); Metropolitan Stone Corporation; Michael "Mikey Scars" DiLeonardo (Gambino capo); Edward Garafola (Gambino soldier); Gerard "Jerry" Garafola (Gambino associate); American Ready Mix; Phillip Castellano (Gambino associate); Michael Carbone (Gambino associate); Carl Lizza (Gambino associate); Dan-Ro Trucking; Frank Fappiano (Gambino soldier); Joseph Watts (Gambino associate); and Anthony Capo (DeCavalcante soldier).

6. The Commission's decision refused to find these associations

disqualifying, however, stating that "incidental contact by [Interstate] and [the DiTommasos] with disreputable characters within the confines of their industry may have been unavoidable and, to some extent, even inevitable."

7. The Commission's decision declined to place any reliance upon certain information provided to law enforcement authorities by Gambino solidier Dominic Borghese (Borghese), a cooperating witness for the federal government.

8. In 1995 and 1996, **before there were any active investigations of Interstate pending**, Borghese told the FBI that:

a. Joseph Watts (Watts) got \$10,000 at Christmas time from the owners of the Country Club Diner in Staten Island;

b. Interstate, a Staten Island construction company operated by the DiTommasos, did work with Edward Garafola and Metropolitan Stone; and

c. There was a relationship between Watts and Carl Lizza.

9. In 2000, Borghese told the FBI and the Division that:
 - a. The owners of the Country Club Diner were Fred and Anthony DiTommaso [the DiTommasos' uncle and father, respectively];
 - b. Watts told Borghese that Fred and Anthony DiTommaso paid Watts \$10,000 per year in "protection money" for the diner, and had been paying Watts or other members of the Gambino Family since the early 1980's;
 - c. Some time after Gambino underboss Salvatore Gravano began cooperating with the government and before Borghese was arrested, Borghese and Watts went to the Country Club Diner to visit Frank and Peter DiTommaso;
 - d. Watts told Borghese that Frank and Peter DiTommaso paid Watts \$60,000 per year for "protection," including handling any union problems that arose at Interstate;
 - e. The \$60,000 was paid in two \$30,000 installments, one during the summer and one around Christmas;
 - f. Watts requested that Borghese pick up the payments from

the DiTommasos in the event Watts was arrested and incarcerated;

g. At the diner meeting, Borghese was introduced to Frank and Peter DiTommaso, one of whom handed Watts an envelope; and

h. When Watts and Borghese returned to their car, Watts showed Borghese cash in the envelope and told him it was \$30,000.

10. The Commission's decision also declined to place any reliance upon certain information provided to law enforcement authorities by DeCavalcante soldier Anthony Capo (Capo), another cooperating witness for the federal government.

11. Capo told the FBI that:

a. After his release from prison in the late 1980's, he was employed by the DiTommasos as a favor to Vincent Rotondo, a DeCavalcante capo murdered in 1988;

b. Anthony Rotondo, the son of Vincent Rotondo, told Capo he would get him a job;

c. Anthony Rotondo also told Capo that the DiTommasos were "with" the DeCavalcante Family of LCN and its boss, John Riggi;

d. To be "with" an organized crime family meant the family took care of any union problems and provided protection from other organized crime families;

e. Anthony Rotondo advised Capo that he had called Frank DiTommaso, who told Rotondo that he would give Capo a job;

f. Capo was employed by Interstate for a short time, and received a paycheck and a W-2 form;

g. When Capo later tried to get work as a subcontractor for Interstate in the early 1990's, he was refused by Frank DiTommaso; and

h. Capo was later told by Watts that Interstate would not provide any work to Capo because the company had now become associated with the Gambino Family of LCN through Watts.

12. In December 2004, a federal jury in New York convicted Peter Gotti and Thomas "Huck" Carbonaro of numerous crimes, including Gambino Family

racketeering involving corruption within the construction industry in New York.

13. During the course of the Gotti/Carbonaro trial, Anthony Rotondo (Rotondo), Frank Fappiano (Fappiano) and Michael DiLeonardo (DiLeonardo), members of organized crime who had become cooperating witnesses, testified for the government.

14. Rotondo, Fappiano and DiLeonardo detailed long-standing and knowing ties among the DiTommasos, Interstate and organized crime.

15. Specifically, Rotondo testified that:

a. Rotondo was a soldier and later a capo in the DeCavalcante Family of LCN;

b. The DeCavalcante Family later came under the control of the Gambino Family of LCN;

c. Rotondo knew the DiTommasos and Interstate;

d. Rotondo was introduced to the DiTommasos in 1986 by John Riggi, then boss of the DeCavalcante Family of LCN;

e. In Rotondo's presence, Riggi told the DiTommasos that they would be "with" Rotondo, who would assist them with any problems involving Interstate and furnish them with protection from other LCN families;

f. Subsequently, at the request of the DiTommasos, Rotondo intervened with the Colombo Family of LCN to allow Interstate to use non-union labor on several Manhattan construction projects, thereby saving the company a substantial amount of money;

g. In exchange for Rotondo's assistance, the DiTommasos gave bags of cash to Rotondo, who shared it with the DeCavalcante and Colombo Families of LCN;

h. Rotondo's relationship with the DiTommasos continued until the time Rotondo's father was murdered in 1988;

i. Shortly thereafter, Rotondo accompanied DeCavalcante underboss, John D'Amato, to a meeting with John Gotti, Sr., then boss of the Gambino Family of LCN;

j. After D'Amato had met alone with John Gotti, Sr., D'Amato

informed Rotondo that the DeCavalcante Family had "lost" the DiTommasos and Interstate to the Gambino Family; and

k. Rotondo later learned that the DiTommasos and Interstate had been placed "on record" with Gambino soldiers Joseph Gilotti and Edward Garafola (Garafola).

16. Fappiano testified that:

a. Fappiano was a soldier in the Gambino Family of LCN;

b. Dan-Ro was one of Fappiano's companies, through which Fappiano made money legitimately and illegitimately; and

c. The DiTommasos were associates of Watts and Interstate was "with" the Gambino Family of LCN.

17. DiLeonardo testified that:

a. DiLeonardo was a soldier and later a capo in the Gambino Family of LCN;

- b. DiLeonardo started a company, Metropolitan Stone (Metropolitan), with Gambino soldier Garafola;
- c. Metropolitan was "on record" with the Gambino Family of LCN;
- d. In 1994, DiLeonardo was approached by Watts and asked to do business with Interstate;
- e. Watts told DiLeonardo that: Interstate was "on record" with the Gambino Family of LCN; Interstate's owners were the DiTommasos; and Watts had been "servicing" Interstate and the DiTommasos, that is, helping them with union or labor problems and interceding with other LCN Families;
- f. Watts also told DiLeonardo that he (Watts) might be going to jail, and requested that DiLeonardo take over "servicing" Interstate and the DiTommasos on behalf of the Gambino Family of LCN;
- g. Subsequently, DiLeonardo learned from Watts that the DiTommasos had requested specific favors, including intercession with the carpenters union, for which intercession by DiLeonardo the DiTommasos paid

DiLeonardo \$25,000;

h. DiLeonardo also assisted the DiTommasos in limiting the use of a Teamsters foreman at a landfill on Staten Island; in exchange, the DiTommasos agreed to pay \$100,000 to the Gambino Family of LCN;

i. At that time, Interstate was purchasing dirt from Metropolitan;

j. It was arranged between DiLeonardo and the DiTommasos that the \$100,000 would be paid by Interstate to Metropolitan in response to invoices which were inflated by Metropolitan to disguise the payments;

k. During 1994 and 1995, \$60,000 of the \$100,000 paid to Metropolitan by the DiTommasos was "kicked up" by DiLeonardo to then Gambino boss John Gotti, Jr.;

l. In 1996, DiLeonardo and Garafola sold Metropolitan to Interstate because the City of New York was about to deny Metropolitan an operating permit because of the company's organized crime affiliations; and

m. Of the \$1.7 million purchase price paid for Metropolitan by

Interstate, \$100,000 was "kicked up" by DiLeonardo to Gambino boss John Gotti, Jr., with the full knowledge of the DiTommasos.

18. During summer 2005, a federal criminal trial, United States v. John A. Gotti, Michael Yanotti and Louis Mariani, was held in New York.

19. The charges included Gambino Family racketeering involving corruption within the construction industry in New York.

20. During the course of the Gotti/Yanotti/Mariani trial, Rotondo, Fappiano and DiLeonardo again testified for the government.

21. Among other things, these witnesses repeated the testimony they had given at the Peter Gotti trial concerning ties among the DiTommasos, Interstate and organized crime.

22. When recently questioned by the Division about the testimony of Rotondo, Fappiano and DiLeonardo, as well as the statements of Borghese and Capo, the DiTommasos offered no explanation of why all these LCN figures would - some at peril of having their criminal plea agreements with the government nullified - be providing false information about the DiTommasos and Interstate.

23. Absent such explanation, the mutually corroborative nature of the testimony and/or statements of Rotondo, Fappiano, DiLeonardo, Borghese and Capo, provides sufficient indicia of reliability to form the basis for a finding under the Act.

24. *N.J.S.A. 5:12-1b(8)* provides that "participation in casino operations as a licensee ... under this act shall be deemed a revocable privilege conditioned upon the proper and continued qualification of the individual licensee."

25. *N.J.S.A. 5:12-86f* provides that the Commission shall deny a license to any applicant disqualified on the basis of the following criterion:

The identification of the applicant or any person who is required to be qualified under this act as a condition of a ... license as ... an associate of a career offender or career offender cartel in such a manner which creates a reasonable belief that the association is of such a nature as to be inimical to the policy of this act and to gaming operations. For purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this State. A career offender cartel shall be defined as any group of persons who operate together as career offenders.

26. *N.J.S.A. 5:12-92d* provides that non-gaming casino service industry licensure pursuant to *N.J.S.A. 5:12-92c* may be denied to any applicant disqualified in accordance with any of the criteria contained in *N.J.S.A. 5:12-86*.

27. *N.J.A.C. 19:51-1.5* provides that "[a] casino service industry ... license may be denied to any applicant ... who is disqualified under any of the criteria set forth in [*N.J.S.A. 5:12-86*].

28. *N.J.A.C. 19:51-1.14(a)2* provides that no non-gaming casino service industry license shall be issued unless the individual qualifications of each owner and/or officer have been established.

29. *N.J.S.A. 5:12-129(1)* provides that the Commission shall revoke the license of any person or entity for any act which would disqualify that person or entity from holding such license.

30. Based on the information contained in Paragraphs 5 through 23, Interstate and the DiTommasos constitute associates of career offenders or career offender cartels in such a manner which creates a reasonable belief that the association is of such a nature as to be inimical to the policy of the Act and to gaming operations, within the meaning of *N.J.S.A. 5:12-86f*.

WHEREFORE, the Division demands the following relief against Interstate and the DiTommasos:

A. Judgment that Interstate and the DiTommasos constitute associates of career offenders or career offender cartels in such a manner which creates a reasonable belief that the association is of such a nature as to be inimical to the policy of the Act and to gaming operations, within the meaning of *N.J.S.A. 5:12-86f*;

B. Judgment that Interstate and the DiTommasos are disqualified from continued non-gaming casino service industry licensure and qualification pursuant to *N.J.S.A. 5:12-92d* and *N.J.A.C. 19:51-1.5* and 1.14(a)2;

C. Judgment revoking the non-gaming casino service industry licenses held by Interstate and the qualifications held by the DiTommasos, pursuant to *N.J.S.A. 5:12-129(1)*; and

D. Judgment for such other and further relief as the Commission may deem just and appropriate under the circumstances.

COUNT II

(Lack of Good Character)

31. In the wake of the withdrawn nomination of Bernard Kerik (Kerik) as United States Secretary of Homeland Security in December 2004, the Division became aware of information indicating an extensive relationship among Interstate, the DiTommasos, Kerik and former Interstate employee Lawrence Ray (Ray).

32. Kerik was appointed by Mayor Rudolph Giuliani as Commissioner of the New York City Department of Corrections in 1998, and Police Commissioner in 2000.

33. Ray had a long standing relationship with Kerik and served as best man at Kerik's wedding in November 1998.

34. Between 1998 and 2000, Ray gave Kerik thousands of dollars in gifts for Kerik's wedding expenses and Kerik's purchase of personal property and/or payment of debts.

35. During 1998, Interstate was under active regulatory investigation by both the Division, in New Jersey, and the Trade Waste Commission (TWC),

now known as the Business Integrity Commission, in New York City.

36. Ray, who had a previous relationship with Frank DiTommaso, advised DiTommaso that Ray had a background in law enforcement and, therefore, could assist Interstate with its regulatory investigations.

37. In 1998, Ray introduced Frank DiTommaso to Kerik, telling DiTommaso that "maybe he [Kerik] can help us."

38. Kerik recommended Ray for employment by Interstate, calling Ray a "top shelf guy" and telling DiTommaso "Larry 100 percent."

39. Frank DiTommaso described his meeting with Kerik as follows:

Mr. Ray walked into the office, unannounced, just walked right in, Mr. Kerik got up and came around the desk and give him a big hug and a kiss and they exchanged pleasantries, and introduced me and Mr. Kerik, Frank, I want to tell you -- he put his arm around Mr. Ray -- I trust this guy more than my own brother.

40. Subsequent to Kerik's recommendation, Frank DiTommaso hired Ray for Interstate.

41. On November 18, 1998, a 46-page fax addressed to "Commissioner Kerik" from "Larry Ray/Frank DiTommaso" was sent to Kerik's office in New York; the fax contained an application for a permit transfer for FES Transfer & Recycling, Inc., a company in which Frank and Peter DiTommaso were each identified as 25% owners.

42. Ray officially became employed by Interstate, at an annual salary of \$100,000, in or about December 1998, and remained so employed until March 2000.

43. A personal relationship also developed between Frank DiTommaso and Kerik.

44. Frank DiTommaso was invited to Kerik's private Christmas party at the Department of Corrections in 1998.

45. Early in 1999, Kerik introduced Frank DiTommaso to Kerik's brother, Donald.

46. Donald Kerik was thereafter hired by Interstate as yard manager of

what had been the Metropolitan operation on Staten Island, at an annual salary of approximately \$85,000.

47. On October 1, 1999, Frank DiTommaso sent a letter to the TWC which stated in part:

The day-to-day operations of Interstate Materials Corp. have been taken over by Mr. Don Kerik. Don is a fine individual and will continue to provide your agency with full cooperation as we at Interstate Materials Corp. have always done.

48. During 1999, Bernard Kerik was living in an apartment located at 679 W. 239th Street, Bronx, New York.

49. Bernard Kerik wanted to purchase a larger, double apartment in the same building, but was concerned about his ability to pay for the extensive repairs and renovations necessary to make the larger apartment habitable.

50. In a series of e-mails sent from Kerik to Ray between April and July 1999, Kerik: a) confirmed his close relationship with Ray and Frank DiTommaso; b) repeatedly solicited more money from Ray; c) indicated his lack of sufficient funds to both purchase and renovate his new Bronx apartment; d)

indicated that he would provide information to Frank DiTommaso regarding New York City contracts; e) provided advice concerning Interstate's pending regulatory investigations; f) requested that Ray intercede with Frank DiTommaso on behalf of Kerik's brother, Donald; and g) facilitated a meeting between Ray and a former Director of the Division, who had left his employment with the Division in January 1999.

51. Kerik signed a contract to purchase the new Bronx apartment in June 1999, and closed on the purchase in September 1999.

52. According to documents and testimony obtained by the Division which provide sufficient indicia of reliability to form the basis for a finding under the Act, in or about September 1999, Woods Restoration Services (Woods Restoration), through Tim Woods (Woods), a principal of Woods Restoration, was brought into the Kerik project by Peter DiTommaso.

53. Woods was personally acquainted with both Peter and Frank DiTommaso, and had at one time been employed by Interstate.

54. Based on interactions with Peter DiTommaso as well a prior

history of similar arrangements between Interstate and Woods Restoration, Woods' understanding was that any costs incurred by Woods Restoration on the project which were not paid for by Kerik would be reimbursed by Interstate.

55. Between 1999 and 2000, Woods Restoration engaged and paid subcontractors on the project and performed some of the renovation work itself.

56. In total, the repairs and renovation of Kerik's new Bronx apartment had a true cost in excess of \$200,000.

57. Kerik paid Woods Restoration only \$17,800 toward the true cost of said repairs and renovation.

58. The remainder of the true cost of said repairs and renovation was paid to Woods Restoration by Interstate.

59. The payments by Interstate to Woods Restoration for the Kerik apartment were not reflected in any Interstate files or other documents indicating that Interstate had any involvement in the Kerik apartment project.

60. Instead, Peter DiTommaso directed that costs of the Kerik apartment project be allocated and billed by Woods Restoration to other projects specified by Peter DiTommaso.

61. Of the projects specified by Peter DiTommaso, Woods Restoration had worked on some for Interstate, but had no involvement with others.

62. In or about July 1999, Kerik had a meeting with Raymond Casey, then a high-ranking official at the TWC, which was investigating Interstate.

63. At said meeting, Kerik in substance vouched for the integrity of Ray, who was then an employee of Interstate, and further indicated that Ray could be helpful to the TWC in alleviating its concerns about Interstate.

64. In or about September 1999, Kerik made his New York office available for a meeting between Ray and detectives assigned to the TWC who were then investigating Interstate.

65. Prior to said meeting, Kerik welcomed and greeted Ray in the presence of the TWC detectives; Kerik then left the office and returned at the conclusion of the meeting.

66. During the course of its investigation, the Division obtained and served subpoenas for documents and testimony upon Kerik.

67. Citing ongoing investigations by New York authorities involving similar matters, and on the advice of counsel, Kerik invoked the Fifth Amendment in response to Division requests for documents and testimony concerning the following: (1) Whether Frank DiTommaso ever directly or indirectly gave Kerik any money or other thing of value on behalf of Interstate; (2) Whether Frank DiTommaso ever asked Kerik to take any action on behalf of Interstate; (3) Whether Frank DiTommaso or Interstate paid Woods Restoration for any part of the cost or value of the renovation work on Kerik's Bronx apartment; (4) Whether, if any such payment was made, it was done pursuant to any understanding that Kerik would take any action that would benefit Frank DiTommaso or Interstate; (5) Whether Ray ever directly or indirectly gave Kerik any money or other thing of value on behalf of Interstate or Frank DiTommaso; (6) Whether Ray ever asked Kerik to take any action on behalf of Interstate; (7) The authenticity and contents of the e-mails from Kerik to Ray referred to in Paragraph 50 of this Complaint; (8) Whether in approximately July 1999, Kerik had a meeting with Ray Casey of the TWC during which Kerik vouched for the integrity of Ray; and (8) Whether Ray, Frank DiTommaso or any other individual acting on behalf of Interstate requested that Kerik meet

with Casey or otherwise take any action in connection with Interstate's investigation by the TWC.

68. By directly and indirectly conferring money or other things of value on Kerik during a period in which Kerik was a high-ranking public official of New York City and was in a position to - and did - provide assistance to Interstate, the DiTommasos and Interstate attempted to influence Kerik in the performance or violation of his official duties.

69. *N.J.S.A. 5:12-92c* provides that all non-gaming casino service industries "shall be licensed in accordance with rules of the Commission."

70. *N.J.A.C. 19:51-1.3(c)* provides that

[e]ach applicant required to be licensed as a casino service industry in accordance with subsection 92c ... of the Act ... shall, prior to the issuance of any casino service industry ... license, produce such information, documentation, including, without limitation as the generality of the foregoing, its financial books and records, and assurances to establish by clear and convincing evidence its good character, honesty and integrity.

71. *N.J.A.C. 19:51-1.3(c)1* provides that

[e]ach applicant for a casino service industry license issued pursuant to subsection 92c ... of the Act shall also be required to establish the good character, honesty and integrity of each of the persons required to be qualified pursuant to the provisions of N.J.A.C. 19:51-1.14.

72. *N.J.S.A. 5:12-86a* establishes as a mandatory disqualification criterion the "[f]ailure of the applicant to prove by clear and convincing evidence that the applicant is qualified in accordance with the provisions of this Act."

73. Based on the information contained in Paragraphs 31 through 68 of this Complaint, Interstate and the DiTommasos lack, and have failed to prove by clear and convincing evidence that they continue to possess, good character, honesty and integrity, as required by *N.J.S.A. 5:12-86a* and *N.J.A.C. 19:51-1.3(c)*.

WHEREFORE, the Division demands the following relief against Interstate and the DiTommasos:

A. Judgment that Interstate and the DiTommasos lack, and have failed to prove by clear and convincing evidence that they continue to possess, good character, honesty and integrity, as required by *N.J.S.A. 5:12-86a* and

N.J.A.C. 19:51-1.3(c);

B. Judgment that, as a result, Interstate and the DiTommasos are unqualified for, and disqualified from, continued non-gaming casino service industry licensure and qualification, pursuant to *N.J.S.A.* 5:12-92c and d and *N.J.A.C.* 19:51-1.3(c), 1.5 and 1.14(a)2;

C. Judgment revoking the non-gaming casino service industry licenses held by Interstate and the qualifications held by the DiTommasos, pursuant to *N.J.S.A.* 5:12-129(1); and

D. Judgment for such other and further relief as the Commission may deem just and appropriate under the circumstances.

COUNT III
(Supplying False Information)

74. Paragraphs 31 through 68 of this Complaint are incorporated as if fully set forth herein.

75. During the course of its investigation, the Division conducted sworn interviews of the DiTommasos.

76. During said interviews, the DiTommasos were asked questions concerning Interstate's payment to Woods Restoration of any portion of the true cost of the repairs and renovation of Kerik's Bronx apartment, and either denied such payment or disclaimed any knowledge that any payments made to Woods Restoration were related to the Kerik project.

77. In light of the documents and testimony obtained by the Division during the course of its investigation, the DiTommasos' denials or disclaimers are not credible and represent a wilful attempt to mislead the Division regarding an issue which threatens the licensure of Interstate and the qualification of the DiTommasos, as set forth in Count II of this Complaint.

78. *N.J.S.A. 5:12-86b* establishes as a mandatory disqualification criterion "the supplying of information which is untrue or misleading as to a material fact pertaining to the qualification criteria."

79. Based on the information contained in Paragraphs 74 through 77 of this Complaint, Interstate and the DiTommasos have supplied information to the Division which is untrue or misleading as to a material fact pertaining to the qualification criteria, within the meaning of *N.J.S.A. 5:12-86b*.

WHEREFORE, the Division demands the following relief against Interstate and the DiTommasos:

A. Judgment that Interstate and the DiTommasos have supplied information which is untrue or misleading as to a material fact pertaining to the qualification criteria, within the meaning of *N.J.S.A. 5:12-86b*;

B. Judgment that Interstate and the DiTommasos are disqualified from continued non-gaming casino service industry licensure and qualification pursuant to *N.J.S.A. 5:12-92d* and *N.J.A.C. 19:51-1.5* and 1.14(a)2;

C. Judgment revoking the non-gaming casino service industry licenses held by Interstate and the qualifications held by the DiTommasos, pursuant to *N.J.S.A. 5:12-129(1)*; and

D. Judgment for such other and further relief as the Commission may deem just and appropriate under the circumstances.

Respectfully submitted,

PETER C. HARVEY
Attorney General of New Jersey

By: _____
Mitchell A. Schwefel
Assistant Attorney General

Gary A. Ehrlich
Assistant Attorney General

R. Lane Stebbins
Deputy Attorney General

Dated: November 15, 2005