



Office of the Inspector General Commonwealth of Massachusetts

Massachusetts Inspector General Joint Investigation- The Department of Justice, Office of Carmen M. Ortiz, United States Attorney Issued a Press Release Regarding Former Massachusetts State Senator Bernard "Joseph" Tully, August 2011

On August 31, 2011, former Massachusetts State Senator Bernard "Joseph" Tully plead guilty to wire fraud for devising a scheme to defraud a Boston area businessman of approximately \$18,000 announced U.S. Attorney Carmen M. Ortiz for the District of Massachusetts. The case was investigated by the Federal Bureau of Investigation, Massachusetts Office of the Inspector General and the Lowell Police Department. For more information, please see the below U.S. Department of Justice Press Release.

Press Release

WASHINGTON-Bernard Joseph Tully, a former Massachusetts state senator, has pleaded guilty for devising a scheme to defraud a Boston-area businessman out of approximately \$18,000 by falsely representing that Tully and his co-conspirator were using the funds to bribe public officials. Unbeknownst to Tully, the businessman reported Tully's overtures to the FBI.

The guilty plea was announced by Assistant Attorney General Lanny A. Breuer of the Justice Department's Criminal Division, U.S. Attorney Carmen M. Ortiz for the District of Massachusetts and Richard DesLauriers, Special Agent in Charge of the FBI's Boston Field Office.

Tully, 84, of Dracut, Mass., pleaded guilty yesterday before U.S. District Judge Patti B. Saris to one count of wire fraud. According to court documents, Tully formerly served as the city manager for Lowell, Mass., from approximately 1979 to 1987. Prior to serving as city manager, Tully was a state senator representing Lowell and other areas.

According to information presented at the plea hearing and in court documents, the Massachusetts Registry of Motor Vehicles (RMV) determined in early 2009 that it needed to discontinue its lease for the Lowell RMV, due to lack of funds. According to court documents, Tully became aware of the possible closure of the Lowell RMV and contacted the Boston-area businessman who owned the space where the Lowell RMV was housed. Tully told the businessman that if he paid Tully, Tully would ensure a state senator would find money in order to keep the RMV in the space owned by the businessman. Later, according to court documents, Tully again contacted the businessman and told him that he need to pay Tully so that Tully could pay the public official, otherwise the RMV would have to move out of the space.

On July 3, 2009, the RMV announced it was closing the Lowell office as well as other RMV offices on July 23, 2009. Tully and a co-conspirator subsequently visited the businessman and told him that he would need to pay \$20,000 to keep the RMV in Lowell. The businessman

agreed that he wanted the RMV to stay, and Tully said he would start making telephone calls while his co-conspirator said he would talk to the public official.

On July 15, 2009, the businessman gave the co-conspirator a \$5,000 check, which the co-conspirator cashed and gave a portion of the funds to Tully. On July 17, 2009, the businessman received a 90-day extension on the lease from the RMV to Oct. 31, 2009.

Thereafter, according to court documents, the businessman had a series of meetings and telephone conversations with Tully and his co-conspirator about securing another lease extension from the RMV. During these conversations, Tully and his co-conspirator falsely represented to the businessman that they needed additional money to make payments to various public officials in exchange for their official acts to secure the RMV's continued presence in the businessman's building. Between November 2009 and March 2010, the businessman, while cooperating with the FBI, paid Tully and the co-conspirator approximately \$18,000 as bribe payments designed to secure the official assistance of various public officials.

In fact, Tully and his co-conspirator never paid any money to any public officials. According to court documents, Tully admitted in a May 2010 interview with FBI agents that he received approximately \$12,000 in cash and checks from the businessman, and that he split the money with his co-conspirator. Tully also admitted that he had heard about the RMV's plan to move the Lowell office out of the businessman's office building from people who worked in the office, and that the businessman had contacted him for assistance. Tully admitted that he spoke with friends of friends of the Lowell legislative delegation about obtaining a lease extension and preventing the move of the Lowell RMV.

Tully admitted that he told the businessman that he was "throwing money around" at elected officials, but in actuality he did not. He admitted that he did this to give the businessman the impression that he, Tully, was influencing the legislative delegation.

Sentencing is scheduled for Dec. 1, 2011, at 3:00 p.m. According to the plea agreement, the government has agreed not to seek punishment beyond home confinement, 36 months of supervised release, a fine to be calculated under the U.S. Sentencing Guidelines and restitution of \$18,000.

The case was investigated by the FBI, with assistance from the Massachusetts Inspector General's Office and the Lowell Police Department. It is being prosecuted by Senior Litigation Counsel William M. Welch II and Kevin Driscoll of the Criminal Division's Public Integrity Section, with assistance from the U.S. Attorney's Office, Public Corruption Unit.