



## Office of the Inspector General Commonwealth of Massachusetts

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### **The Department of Justice, Office of Carmen M. Ortiz, United States Attorney Issued a Press Release Regarding the Sentencing of Former State Senator Bernard "Joseph" Tully for Wire Fraud Conviction, December 2011**

In December 2011 former Massachusetts State Senator Bernard Joseph Tully was sentenced for his involvement in a scheme to defraud a Boston area businessman. The case was investigated by the Federal Bureau of Investigation, Massachusetts Office of the Inspector General and the Lowell Police Department. For more information see the U.S. Department of Justice Press Release below.

#### **Press Release**

BOSTON - U.S. District Judge Patti B. Saris yesterday sentenced Bernard Joseph Tully to four months of home confinement, two years of probation, and \$18,000 restitution related to his involvement in a scheme to prevent the Massachusetts Registry of Motor Vehicles from relocating its Lowell office.

In Aug. 2011, Tully, 84, of Dracut, pleaded guilty to wire fraud, admitting that he had devised a scheme to defraud a Boston area businessman out of approximately \$18,000 by falsely representing that he and another co-conspirator were using the funds to bribe public officials. Unbeknownst to Tully, the Boston area businessman had reported Tully's initial overtures to the FBI and began cooperating with the government.

In early 2009, the Registry of Motor Vehicles (RMV) determined that for financial reasons, they would close the Lowell RMV, located in private space owned by a Boston area businessman. When Tully learned that the Lowell RMV was closing, he contacted the businessman who owned the space. Tully told the businessman that if he paid him some money, Tully would make sure that a public official, who Tully represented to be a state senator, would find money in order to keep the RMV in the businessman's private space. Sometime later, Tully contacted the businessman again and told him that he had to pay Tully so that the public official could be paid, or else the RMV would move out of Lowell.

On or about July 3, 2009, the RMV announced that it would be closing the Lowell office, as well as other RMV offices, on or about July 23, 2009. Tully subsequently visited the businessman with a co-conspirator. Tully told the businessman that it would cost \$20,000 to keep the RMV in the space. Tully told the businessman that he, Tully, would start making telephone calls, and a co-conspirator stated that he would talk to the public official.

On or about July 15, 2009, the co-conspirator came to the businessman's office to pick up a check. The businessman executed a \$5,000 check paid to the order of the co-conspirator. The co-conspirator cashed this check and gave a portion of the cash to Tully. One day later, the

businessman received a 90-day extension on the lease from the RMV to Oct. 31, 2009. Shortly thereafter, the businessman contacted the FBI and informed them about Tully's contacts.

Thereafter, the businessman had a series of meetings and telephone conversations with Tully and the co-conspirator about securing the lease extension from the RMV. During these conversations, Tully and the 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 \$13,000 under the guise of bribe payments designed to secure the official assistance of various public officials.

In fact, Tully and the co-conspirator never paid money to any public officials. On May 11, 2010, federal agents interviewed Tully. During that interview, Tully admitted that he had heard about the RMV's plan to move the Lowell office out of the businessman's office building from "the girls at the RMV." Tully stated that the businessman had contacted him and asked for Tully's assistance. Tully stated that he spoke with friends of friends of the Lowell delegation about obtaining a lease extension to prevent the move of the Lowell RMV.

Tully admitted that he received approximately \$12,000 in cash and checks from the businessman, and that he split the money with the co-conspirator. Tully admitted that the co-conspirator was his partner, and that he involved the co-conspirator because he knew that the co-conspirator would talk to one of the public officials, who Tully believed had a close relationship with the co-conspirator. Tully did not know if the co-conspirator ever talked to public officials about the lease extension and repeatedly denied that he paid a dime to any state representative or state senator, directly or indirectly, to influence the RMV's lease extension. Tully admitted that he told the businessman that he was "throwing money around" at elected officials, but in actuality did not. He also admitted that he did this to give the businessman the impression that he, Tully, was influencing the legislative delegation.

United States Attorney Carmen M. Ortiz, Assistant Attorney General Lanny Breuer and Richard DesLauriers, Special Agent in Charge of the Federal Bureau of Investigation-Boston Field Division made the announcement today. The case was investigated by the FBI with assistance from the Massachusetts Inspector General's Office and the Lowell Police Department. The case was prosecuted by Senior Litigation Counsel William M. Welch II and Kevin Driscoll of the Criminal Division, Public Integrity Section, United States Department of Justice, with assistance from Ortiz's Public Corruption Unit.