

7

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT OF
THE TRIAL COURT
DOCKET NO.: 1884CR00121

COMMONWEALTH

v.

TIMOTHY DOCKERY

COMMONWEALTH'S STATEMENT OF THE CASE

1. Now comes the Commonwealth, and submits this Statement of the Case. It is not a full and complete recitation of the facts supporting the indictments in the above-numbered case, and is not meant to be a Bill of Particulars. Its purpose is to aid the Court, the Probation Department, and defense counsel in assessing the general nature and circumstances of the crimes alleged.

SUMMARY

2. Timothy Dockery abused his position as a Buyer in the MBTA's Non-Inventory Purchasing Department Timothy for personal profit. From 1996 to 2016, Dockery bought broad array of supplies and services for the MBTA, including things like office products, construction materials and services, and clothing. Dockery took kickbacks from MBTA vendors in exchange for preferential treatment in their contracting with the MBTA.

3. In April 2017 Dockery was arraigned on charges of larceny, conspiracy to commit larceny, receipt of illegal gratuities, and procurement fraud. These stemmed from Dockery's relationship with four MBTA vendors: Capitol Engineering Services, W.B. Mason, Hugh

FILED

McCusker, and W. Matthew Sheridan. Dockery (i) approved fake invoices, (ii) accepted more than \$100,000 in illegal gifts including cash payments, luxury sports tickets, and goods for his personal business, and (iii) created fake quotes and inflated the quote of a preferred vendor.

4. In June 2017 Dockery was arraigned on additional charges of bribery, receipt of illegal gratuities, and procurement fraud for his dealings with MBTA vendors, Shiretown Glass & Aluminum, Inc. and Rogers Radiator, Inc.

5. The latest charges against Dockery relate to his relationship with and receipt of kickbacks from W. Matthew Sheridan, owner of construction and landscaping companies based in Plymouth.

COUNT I: ILLEGAL GRATUITIES (G.L. c. 268A, § 3(b))

6. Sheridan has earned more than \$8.2 million in MBTA contracts since he began doing business with the MBTA about in 2007.

7. Sheridan paid Dockery cash bribes of about 5% - 10% of payments Sheridan received from the MBTA—more than \$207,000. In exchange, Dockery helped Sheridan win smaller contracts, manage his relationships with MBTA end users, get paid on time, and hand-delivered Sheridan's checks.

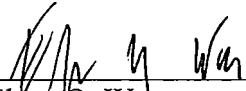
COUNT II: ILLEGAL GRATUITIES (G.L. c. 268A, § 3(b))

8. In addition to the cash kickbacks, Sheridan paid for a new in-ground pool, and performed free landscaping work at Dockery's house as a kickback for the commuter rail station repair contract. Sheridan paid a contractor to install a fiberglass pool, and Sheridan, himself, landscaped Dockery's backyard including removing an existing above-ground pool and other structures, leveling Dockery's yard around the pool, and building a brick patio near the pool.

Respectfully submitted

For the Commonwealth,

MAURA HEALEY
ATTORNEY GENERAL



Elysa Q. Wan
Assistant Attorney General
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
(617) 727-2200 EXT 2123
BBO #: 569231

Office of the Attorney General

INDICTMENT NO.
SUCR 2018-

Illegal Gratuities (cash)
G.L. c. 268A, § 3
1 count

1884CR 00121

#001

Commonwealth of Massachusetts

SUFFOLK, To Wit:

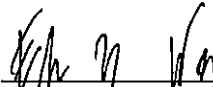
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and eighteen.

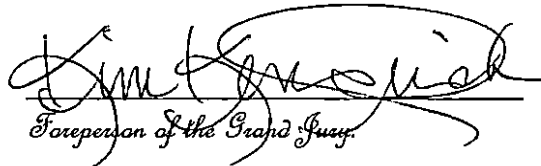
THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

while a Buyer in the MBTA's Procurement Department, Boston, Suffolk County, did engage in an ongoing illegal gratuities scheme with contractor William M. Sheridan by directly or indirectly asking, demanding, exacting, soliciting, seeking, accepting, receiving, or agreeing to receive cash payments of \$50 or more per year from 2007 to 2016 (i) for or because of any official act or act within Timothy E. Dockery's official responsibility performed or to be performed by him, or (ii) to influence, or attempt to influence, him in an official act taken, all in violation of G.L. c. 268A, § 3.


A TRUE BILL.


Assistant Attorney General


Foreperson of the Grand Jury

Superior Court Department - Criminal Business - FEB 26 2018 March Sitting, 2018

Returned into said Superior Court by the Grand Jurors and ordered to be filed.


Clerk of Court

Office of the Attorney General

INDICTMENT NO.
SUCR 2018-

Illegal Gratuities (pool)
#002 G.L. c. 268A, § 3
1 count

1804CR 00121

Commonwealth of Massachusetts

SUFFOLK, To Wit:

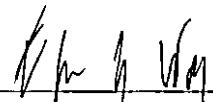
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and eighteen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

while a Buyer in the MBTA's Procurement Department, Boston, Suffolk County, did engage in an illegal gratuities scheme with contractor William M. Sheridan by directly or indirectly asking, demanding, exacting, soliciting, seeking, accepting, receiving, or agreeing to receive payment of an in-ground pool in 2013, and free landscaping services related to the pool in 2013 and 2014, valued at \$50 or more per year (i) for or because of any official act or act within Timothy E. Dockery's official responsibility performed or to be performed by him, or (ii) to influence, or attempt to influence, him in an official act taken, all in violation of G.L. c. 268A, § 3.

A TRUE BILL.


Assistant Attorney General

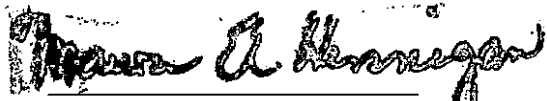

Foreperson of the Grand Jury

Superior Court Department - Criminal Business

FEB 26 2018

March Sitting, 2018

Returned into said Superior Court by the Grand Jurors and ordered to be filed.


Clerk of Court

1784CR 00236

Office of the Attorney General

#008

INDICTMENT NO.
SUCR 2017-

Procurement Fraud
G.L. c. 266, § 67A
1 count

Commonwealth of Massachusetts

SUFFOLK, To Wit:


At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

from on or about March 1, 2015 to April 30, 2015, while a Buyer in the MBTA's Procurement Department, located in Boston, Suffolk County, in a matter relative to the procurement of supplies by the MBTA, did intentionally (i) make a material statement that was false, (ii) conceal a material fact in a written statement, (iii) invite reliance on a material writing that was false and lacking in authenticity, or (iv) use a trick, scheme or device that was misleading in a material respect, to wit: with regard to MBTA Purchase Order 4000072639 for rapid mortar, washed stone, and tactile warning surface panels, inflated the prices of those materials in a quote from Sheridan Inc., and did fabricate a second, higher quote that purported to be from a competing company so that Sheridan Inc.'s quote was the lowest and won the work, all in violation of G. L. c. 266, § 67A.

A TRUE BILL.


Assistant Attorney General



Foreperson of the Grand Jury.

Superior Court Department - Criminal Business

MAR 30 2017

March Sitting, 2017

Returned into said Superior Court by the Grand Jurors and ordered to be filed.


Clerk of Court

1784CR 00235

Office of the Attorney General

#007

INDICTMENT NO.
SUCR 2017-

Receipt of Illegal Gratuities
G.L. c. 268A, § 3
1 Count

Commonwealth of Massachusetts

SUFFOLK, To Wit:

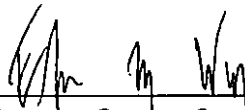
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

while a Buyer in the MBTA's Procurement Department, Boston, Suffolk County, did engage in an ongoing illegal gratuities scheme by directly or indirectly asking, demanding, exacting, soliciting, seeking, accepting, receiving, or agreeing to receive free goods and meals, valued in total per calendar year at not less than \$50, for the years 2011, 2012, 2013 and/or 2014 from an employee or agent of Professional Printing Services, Inc., a company that did business with the MBTA during those years, (i) for or because of any official act or act within Timothy E. Dockery's official responsibility performed or to be performed by him, or (ii) to influence, or attempt to influence, him in an official act taken, all in violation of G.L. c. 268A, § 3.

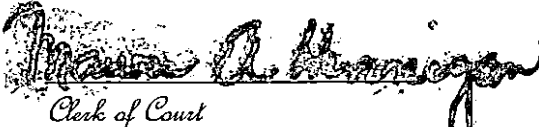
A TRUE BILL.


Assistant Attorney General


Representative of the Grand Jury

Superior Court Department - Criminal Business MAR 30 2017 March Sitting, 2017

Returned into said Superior Court by the Statewide Grand Jurors and ordered to be filed.


Clerk of Court

1784CR 00235

Office of the Attorney General

#006

INDICTMENT NO.
SUCR 2017-

Receipt of Illegal Gratuities
G.L. c. 268A, § 3
1 count

Commonwealth of Massachusetts

SUFFOLK, To Wit:

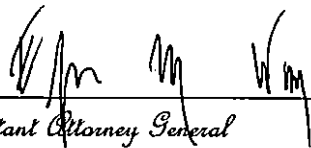
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

while a Buyer in the MBTA's Procurement Department, Boston, Suffolk County, did engage in an ongoing illegal gratuities scheme by directly or indirectly asking, demanding, exacting, soliciting, seeking, accepting, receiving, or agreeing to receive free tickets to sporting events and music concerts, valued in total per calendar year at not less than \$50, for the years 2011, 2012, 2013, 2014, 2015 and/or 2016 from an employee or agent of W.B. Mason, a company that did business with the MBTA during those years, (i) for or because of any official act or act within Timothy E. Dockery's official responsibility performed or to be performed by him, or (ii) to influence, or attempt to influence, him in an official act taken, all in violation of G.L. c. 268A, § 3.

A TRUE BILL.


Assistant Attorney General


Foreperson of the Grand Jury.

Superior Court Department - Criminal Business MAR 30 2017 March Sitting, 2017

Returned into said Superior Court by the Grand Jurors and ordered to be filed.


Clerk of Court

1784CR 00235

Office of the Attorney General

#005

INDICTMENT NO.
SUCR 2017-

Receipt of Illegal Gratuities
G.L. c. 268A, § 3
1 count

Commonwealth of Massachusetts

SUFFOLK, To Wit:

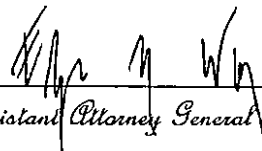
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

while a Buyer in the MBTA's Procurement Department, Boston, Suffolk County, did engage in an ongoing illegal gratuities scheme by directly or indirectly asking, demanding, exacting, soliciting, seeking, accepting, receiving, or agreeing to receive cash payments, valued in total per calendar year at not less than \$50, for the years 2010, 2011, 2012, 2013, 2014 and/or 2016 from an employee or agent of Capitol Engineering Services, Inc., a company that did business with the MBTA during those years, (i) for or because of any official act or act within Timothy E. Dockery's official responsibility performed or to be performed by him, or (ii) to influence, or attempt to influence, him in an official act taken, all in violation of G.L. c. 268A, § 3.

A TRUE BILL.


Assistant Attorney General


Foreperson of the Grand Jury.

Superior Court Department - Criminal Business **MAR 30 2017** March Sitting, 2017

Returned into said Superior Court by the Grand Jurors and ordered to be filed.


Clerk of Court

1784CR 00235

Office of the Attorney General

#004

INDICTMENT NO.
SUCR 2017-

Larceny Over \$250
G.L. c. 266, § 30
1 count

Commonwealth of Massachusetts

SUFFOLK, To Wit:

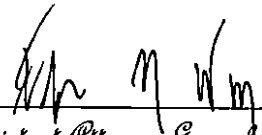
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

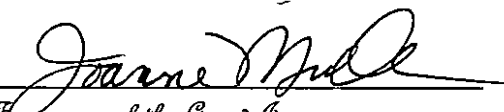
THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

on or about January 3, 2012, while a Buyer in the MBTA's Procurement Department, Boston, Suffolk County, did steal over \$250 from the MBTA, to wit: with regard to Capitol Engineering Services, Inc. invoice numbers 1309 and 1310, participated in a scheme to submit those invoices to the MBTA knowing that the goods or services invoiced had not been provided, and thereafter received a portion of the \$13,835 paid by the MBTA in connection with the fraudulent invoices, all in violation of G.L. c. 266, § 30.

A TRUE BILL.


Assistant Attorney General


Foreperson of the Grand Jury.

Superior Court Department - Criminal Business

March Sitting, 2017

MAR 30 2017

Returned into said Superior Court by the Grand Jurors and ordered to be filed.


Clerk of Court

1784CR00235

Office of the Attorney General

#003

INDICTMENT NO.
SUCR 2017-

Larceny Over \$250
G.L. c. 266, § 30
1 count

Commonwealth of Massachusetts

SUFFOLK, To Wit:

At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

on or about November 28, 2011 and November 29, 2011, while a Buyer in the MBTA's Procurement Department, Boston, Suffolk County, did steal over \$250 from the MBTA, to wit: with regard to Capitol Engineering Services, Inc. invoice numbers 1303, 1304 and 1305, participated in a scheme to submit those invoices to the MBTA knowing that the goods or services invoiced had not been provided, and thereafter received a portion of the \$16,500 paid by the MBTA in connection with the fraudulent invoices, all in violation of G.L. c. 266, § 30.

A TRUE BILL.


Assistant Attorney General

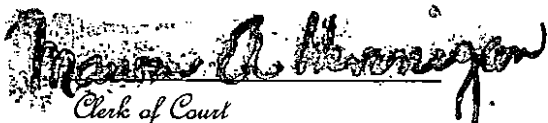

Foreperson of the Grand Jury

Superior Court Department - Criminal Business

MAR 30 2017

March Sitting, 2017

Returned into said Superior Court by the Grand Jurors and ordered to be filed.


Clerk of Court

1784CR 00235

Office of the Attorney General

#002

INDICTMENT NO.
SUCR 2017-

Larceny Over \$250
G.L. c. 266, § 30
1 count

Commonwealth of Massachusetts

SUFFOLK, To Wit:

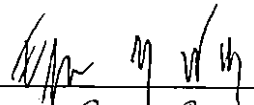
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

on or about July 7, 2011, while a Buyer in the MBTA's Procurement Department, Boston, Suffolk County, did steal over \$250 from the MBTA, to wit: with regard to Capitol Engineering Services, Inc. invoice numbers 1185B and 1193B, participated in a scheme to submit those invoices to the MBTA knowing that the goods or services invoiced had not been provided, and thereafter received a portion of the \$7,525 paid by the MBTA in connection with the fraudulent invoices, all in violation of G.L. c. 266, § 30.

A TRUE BILL.



Assistant Attorney General



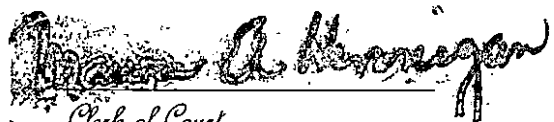
Foreperson of the Grand Jury.

Superior Court Department - Criminal Business

March Sitting, 2017

MAR 30 2017

Returned into said Superior Court by the Grand Jurors and ordered to be filed.



Clerk of Court

1784CR 00235

Office of the Attorney General

#001

INDICTMENT NO.
SUCR 2017-

Conspiracy to Commit
Larceny Over \$250
G.L. c. 274, § 7
1 count

Commonwealth of Massachusetts

SUFFOLK, To Wit:

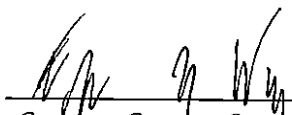
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

TIMOTHY E. DOCKERY

On diverse dates between June 2011 and January 2012, while a Buyer in the MBTA's Procurement Department, Boston, Suffolk County, did conspire with one or more others to steal over \$250 from the MBTA, to wit: with regard to Capitol Engineering Services, Inc. invoice numbers 1185B, 1193B, 1303, 1304, 1305, 1309 and 1310, did conspire with another to submit those invoices to the MBTA for payment knowing that the goods or services invoiced had not been provided, and thereafter planned to steal the \$37,860 paid by the MBTA in connection with the fraudulent invoices, all in violation of G.L. c. 274 § 7.

A TRUE BILL.


Assistant Attorney General


Foreperson of the Grand Jury.

Superior Court Department - Criminal Business

MAR 30 2017

March Sitting, 2017

Returned into said Superior Court by the Grand Jurors and ordered to be filed.


Clerk of Court

1784CK00233

#001

Office of the Attorney General

INDICTMENT NO.
SUCR 2017-

Procurement Fraud
G.L. c. 266, § 67A
1 count

Commonwealth of Massachusetts

SUFFOLK, To Wit:

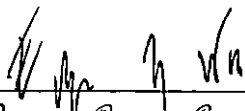
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

WILLIAM MATTHEW SHERIDAN

from on or about March 16, 2015 to June 22, 2015, while the owner of Sheridan Inc. and M.C. Services, in a matter relative to the procurement of supplies, services or construction by the MBTA, located in Boston, Suffolk County, did intentionally (i) make a material statement that was false, (ii) conceal a material fact in a written statement, (iii) invite reliance on a material writing that was false and lacking in authenticity, or (iv) use a trick, scheme or device that was misleading in a material respect, to wit: fabricated and submitted to the MBTA a higher quote that purported to be from a competing construction company, MJM Construction, so that Sheridan Inc.'s quote was the lowest and won the work, all in violation of G. L. c. 266, § 67A.

A TRUE BILL.


Assistant Attorney General



Foreperson of the Grand Jury

Superior Court Department - Criminal Business

March Sitting, 2017

MAR 30 2017

Returned into said Superior Court by the Statewide Grand Jurors and ordered to be filed.


Clerk of Court

1784CK00233

#002

Office of the Attorney General

INDICTMENT NO.
SUCR 2017-

Procurement Fraud
G.L. c. 266, § 67A
1 count

Commonwealth of Massachusetts

SUFFOLK, To Wit:

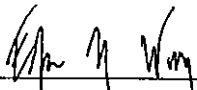
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS, begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the First Monday of March in the year two thousand and seventeen.

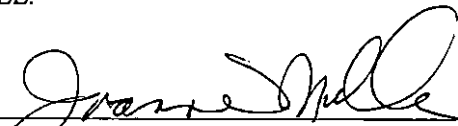
THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that,

WILLIAM MATTHEW SHERIDAN

from on or about June 16, 2015 to June 22, 2015, while the owner of Sheridan Inc. and M.C. Services, in a matter relative to the procurement of supplies, services or construction by the MBTA, located in Boston, Suffolk County, did intentionally (i) make a material statement that was false, (ii) conceal a material fact in a written statement, (iii) invite reliance on a material writing that was false and lacking in authenticity, or (iv) use a trick, scheme or device that was misleading in a material respect, to wit: fabricated and submitted to the MBTA a higher quote that purported to be from a competing construction company, New England Spec, Inc., so that Sheridan Inc.'s quote was the lowest and won the work, all in violation of G. L. c. 266, § 67A.

A TRUE BILL.


Assistant Attorney General

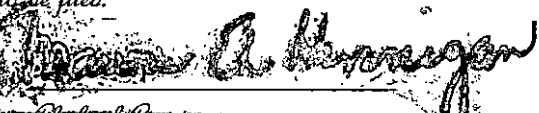

Foreperson of the Grand Jury.

Superior Court Department - Criminal Business

MAR 30 2017

March Sitting, 2017

Returned into said Superior Court by the Grand Jurors and ordered to be filed.


Clerk of Court