

Civil suit alleges RICO Act violations by Wildwood commission, others

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WILDWOOD – An attorney for Point Break Group Management, LLC, a concert and event promoter based in Medford, has filed a civil action based on alleged violations of the federal RICO Act against Mayor Ernie Troiano and others.

RICO stands for Racketeer Influenced and Corrupt Organizations, and the law is designed to combat organized crime.

Attorney Eric Weitz of Messa & Associates filed the suit in US District Court in Philadelphia, Jan. 26, naming the mayor, Commissioners Pete Byron and Anthony Leonetti, city solicitor Mary D’Arcy Bitner, Wildwood Beach Utility supervisor Ryan Troiano, and Wildwood city administrator Chris Fox. It also names the limited liability companies Beach Buddy, LLC, and Leverage SGH, LLC, both of which are comprised by Anthony J. Morrison, Mark Marek, Christopher Herghelegiu, and Anthony Sembello, who are named in the suit.

D’Arcy Bitner said the federal RICO suit is related to breach of contract suits filed by both Point Break and the City of Wildwood.

“There are cross claims,” D’Arcy Bitner said. “They are suing the city for breach of contract and we are suing them for breach of contract.”

D’Arcy Bitner said Point Break filed its complaint in August 2014 and the city answered with a suit in September. The case is before Superior Court Judge Christopher Gibson, the Law Division judge overseeing this issue.

D’Arcy Bitner characterized the RICO suit as a desperate act.

“This is the ill-advised action of a desperate man. They are going nowhere with breach of contract suit against the city, and this (RICO suit) is going nowhere and will be dismissed,” she said.

The defendants are accused of working together to prevent Point Break from doing business it was contracted to do under a Concessionaire’s Agreement, while allegedly seeking their own financial gain and that of the other defendants. The five-count complaint alleges the defendants engaged in activities which affected interstate commerce, used individual positions and relationships to engage in alleged racketeering activity, committing mail fraud, committing wire, radio or television fraud, interference with commerce by threats of violence, used knowledge of Point Break’s ideas and connections for their financial benefit, used phones and internet to for furtherance of racketeering activities, and used their office to acquire interests in various activities and services.

The second count refers to mail fraud and using mail fraud for racketeering, by using the mail in an attempt to enter into contracts. The third count deals with alleged wire, radio, or television fraud related to a town meeting with media coverage. Count IV refers to interference with commerce by alleged threats against Jamie Peterson and Michael

McDonald of Point Break with the intention have having them forego contractual rights between the management group and the city.

The complaint refers to a meeting allegedly called by Ryan Troiano and Fox in March 2013, when they two allegedly called a meeting with McDonald under the Wildwood boardwalk, and discussed a complaint McDonald intended to file with the Attorney General's office. According to the complaint, McDonald felt threatened at the meeting.

Asked why there were no criminal charges filed, Weitz said, "Criminal charges can only be filed by the Prosecuting Attorney, Attorney General or U.S. Attorney General. You may want to direct your inquiry to each of them. I suspect the answer may be that they were unaware of these events until now."

The complaint also alleges misuse of the police to harass and mistreat members of Point Break. According to the complaint, surfing instructors were told to leave the beach.

Count V of the complaint alleges the city worked to circumvent its contract with Point Break to make its own contract with a beverage company. This action, the complaint alleges, caused Point Break to lose \$75,000. The complaint says the city also issued a contract to a game vendor, whereas Point Break believed they had an exclusive contract for beach amusements. It says the defendants interfered with Concessionaire Agreement, interfered with Point Break's existing and prospective contractual relationships, and as a result, Point Break suffered financial and reputation injury.

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