



said GEORGE J. FLEGAL and RICHARD OTTENS, JR. did purposely and unlawfully impair the verity of a pCi/Labs, Inc. Report of Analysis (work order number 16494, received 9/13/05) submitted to and kept on file by the New Jersey Department of Environmental Protection, the said report consisting of sample analysis at Point of Entry # 6, Berkeley Plant, United Water Toms River, the said analysis purporting to contain representative samples of all well sources but obtained after well No. 35 had been shut off, rendering said sample not representative of all well sources being used, contrary to the provisions of N.J.S.A. 2C:28-7a(3) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Tampering with Public Records or  
Information - Third Degree)

GEORGE J. FLEGAL

and

RICHARD OTTENS, JR.

between on or about September 12, 2005 and on or about February 28, 2006, at the Township of Berkeley and at the Township of Dover, both in the County of Ocean, and at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, did purposely and unlawfully destroy, conceal, remove, mutilate or otherwise impair the verity or availability of a record, document or thing belonging to or required to be kept by the government for information or record, that is, the said GEORGE J. FLEGAL and RICHARD OTTENS, JR. did purposely and unlawfully impair the verity of a Benchmark Analytics Test Report (Inv. #392778) submitted to and kept on file by the New Jersey Department of Environmental Protection, the said report consisting of sample analysis at Point of Entry #6, Berkeley Plant, United Water Toms River, the said analysis purporting to contain representative samples of all well sources but obtained after well No. 35 had been shut off, rendering said sample not representative of all well sources being used, contrary to the provisions of N.J.S.A. 2C:28-7a(3) and N.J.S.A. 2C:2-6, and

against the peace of this State, the government and dignity of  
the same.

COUNT THREE

(Falsifying Records - Fourth Degree)

GEORGE J. FLEGAL

and

RICHARD OTTENS, JR.

between on or about September 12, 2005 and on or about February 28, 2006, at the Township of Berkeley and at the Township of Dover, both in the County of Ocean, and at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, did utter a writing or record knowing that it contained a false statement or information with purpose to deceive another, that is, the said GEORGE J. FLEGAL and RICHARD OTTENS, JR. did utter a Benchmark Analytics Test report (Inv. #392778) to the New Jersey Department of Environmental Protection knowing that it contained a false statement or information about the analysis of Berkeley Plant Point of Entry #6 wells, contrary to the provisions of N.J.S.A. 2C:21-4a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Falsifying Records - Fourth Degree)

GEORGE J. FLEGAL

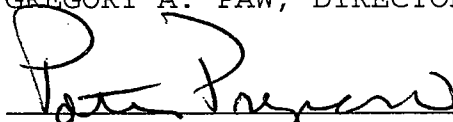
and

RICHARD OTTENS, JR.

between on or about September 12, 2005 and on or about February 28, 2006, at the Township of Berkeley and at the Township of Dover, both in the County of Ocean, and at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, did utter a writing or record knowing that it contained a false statement or information with purpose to deceive another, that is, the said GEORGE J. FLEGAL and RICHARD OTTENS, JR. did utter a pCi/Labs, Inc. Report of Analysis (work order #16494, received 9/13/05) to the New Jersey Department of Environmental Protection knowing that it contained a false statement or information about the analysis of Berkeley Plant

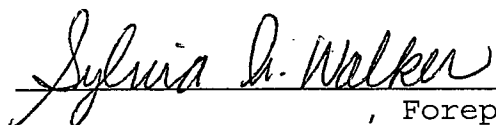
Point of Entry #6 wells, contrary to the provisions of N.J.S.A.  
2C:21-4a and N.J.S.A. 2C:2-6, and against the peace of this  
State, the government and dignity of the same.

GREGORY A. PAW, DIRECTOR



Patricia Prezioso, A.A.G.  
Deputy Director  
Division of Criminal Justice

A TRUE BILL:

  
\_\_\_\_\_  
, Foreperson

Dated: 6-15-06

**SUPERIOR COURT OF N.J.  
FILED**

**JUN 15 2006**

**DONALD F. PHELAN  
CLERK**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ524-06-9

Superior Court

Docket Number

06-06-00070-5

STATE OF NEW JERSEY )

v. )

GEORGE J. FLEGAL )

and )

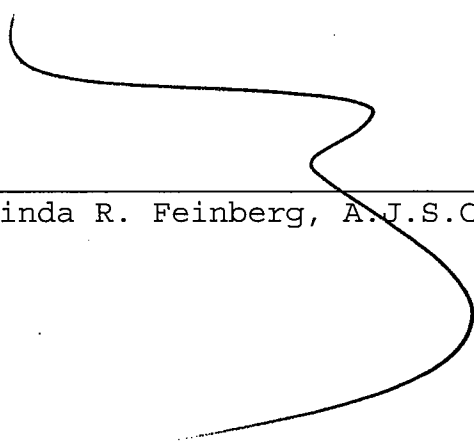
RICHARD OTTENS, JR. )

ORDER OF VENUE

An Indictment having been returned to this Court by the State Grand Jury in the above captioned matter,

IT IS ORDERED on this 15<sup>th</sup> day of June, 2006, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Ocean be and hereby is designated as the County of venue for the purpose of trial.

IT IS FURTHER ORDERED that the Clerk of the Superior Court shall transmit forthwith the Indictment in this matter and a certified copy of this Order to the Criminal Division Manager of the County of Ocean for filing.

  
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Linda R. Feinberg, A.J.S.C.