

**FILED**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

DEC 03 2008

State Grand Jury

Number SGJ 563-08-1

**SUPERIOR COURT  
CLERK'S OFFICE**

Superior Court Docket Number 08-12-00266-S

STATE OF NEW JERSEY )

v. )

INDICTMENT

PAUL KERTH, )

INDEPENDENT ALARM )

DISTRIBUTORS, INC., )

ADIRONDACK ALARM )

and )

AUTOMATIC ALARM )

ASSOCIATES )

)

)

The Grand Jurors of and for the State of New Jersey, upon their oaths, present that:

COUNT ONE

(Conspiracy - Second Degree)

PAUL KERTH

INDEPENDENT ALARM DISTRIBUTORS, INC.

ADIRONDACK ALARM

AND

AUTOMATIC ALARM ASSOCIATES

who are named as defendants herein, and Edward F. Brewer, Sr., Jozef

Caputa and other persons whose identities are known to the Grand Jurors, who are coconspirators, but not named as defendants herein, between on or about April 1, 1999, and on or about January 28, 2005, at the City of Trenton, in the County of Mercer, at the Borough of Audubon, and at the Borough of Collingswood, both in the County of Camden, at the Township of Evesham, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of Contracts and Combinations in Restraint of Trade, Theft By Deception, False Representations for Government Contracts, and Misconduct by Corporate Official, did agree that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crime(s), or

B. One or more of them knowingly would aid in the planning, solicitation or commission of said crime(s), that is:

1. Contracts and Combinations in Restraint of Trade, in that PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, who are named as defendants herein, and Edward F. Brewer, Sr., Jozef Caputa and other persons whose identities are known to the Grand Jurors, who are coconspirators, but not named as defendants herein, did knowingly enter into contracts and combinations in restraint of trade or commerce in this State by agreeing to fix prices and to submit rigged bids for public contracts issued by the New Jersey Department of Corrections, contrary to the provisions of N.J.S.A.

56:9-3, N.J.S.A. 56:9-11, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7;

2. Theft by Deception, in that one or more them would purposely obtain payments on contracts from the State of New Jersey in an amount in excess of \$75,000 through the New Jersey Department of Corrections by deception, that is, by creating or reinforcing a false impression that bids submitted by PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, who are named as defendants herein, and Edward F. Brewer, Sr., Jozef Caputa and other persons whose identities are known to the Grand Jurors, who are coconspirators, but who are not named as defendants herein, were submitted competitively, contrary to the provisions of N.J.S.A. 2C:20-4a, N.J.S.A. 2C:20-2, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7;

3. Theft by Deception, in that one or more them would purposely obtain payments on contracts from the Borough of Oaklyn and the Township of Haddon in excess of \$500 by deception, that is, by creating or reinforcing a false impression that bids submitted by PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, who are named as defendants herein, and Edward F. Brewer, Sr., who is a coconspirator, but who is not named as a defendant herein, were submitted competitively, contrary to the provisions of N.J.S.A. 2C:20-4a, N.J.S.A. 2C:20-2, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7;

4. False Representation for a Government Contract, in that one or more of them would knowingly made material representations that were false in connection with the performance of a government

contract, that is, the said PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, who are named as defendants herein, and Edward F. Brewer, Sr., Jozef Caputa and other persons whose identities are known to the Grand Jurors, who are coconspirators, but who are not named as defendants herein, would knowingly make false, material representations that the quotations submitted by INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, and other entities whose identity is known to the Grand Jury, who are co-conspirators, but who are not named as defendants herein, were valid quotations and were submitted competitively, in connection with the negotiation, award or performance of one or more contracts with the State of New Jersey, which contracts were in the aggregate amount of \$25,000 or more, contrary to the provisions of N.J.S.A. 2C:21-34b, N.J.S.A. 2C:21-8.1, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7;

5. False Representation for a Government Contract, in that one or more of them would knowingly made material representations that were false in connection with the performance of a government contract, that is, the said PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, and AUTOMATIC ALARM ASSOCIATES would knowingly made false, material representations that the bids submitted by INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM and AUTOMATIC ALARM ASSOCIATES, who are named as defendants herein, and Edward F. Brewer, Sr., who is a coconspirator, but who is not

named as a defendant herein, were valid bids and were submitted competitively, and purposely did aid or agree or attempt to aid other persons, who are coconspirators, whose identity is known to the Grand Jurors, but who are not named as defendants herein, in knowingly making false, material representations that the bids submitted by the three aforesaid companies were valid and were submitted competitively, in connection with the negotiation, award or performance of one or more contracts with the Borough of Oaklyn and the Township of Haddon, which contracts were in the aggregate amount of \$25,000 or more, contrary to the provisions of N.J.S.A. 2C:21-34b, N.J.S.A. 2C:21-8.1b, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7; and

6. Misconduct by Corporate Official, in that PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, who are named as defendants herein, and Edward F. Brewer, Sr., Jozef Caputa and other persons whose identities are known to the Grand Jurors, who are coconspirators, but who are not named as defendants herein, would purposely or knowingly use, control or operate a corporation for the furtherance or promotion of any criminal object, and would derive therefrom a benefit in excess of \$75,000, contrary to the provisions of N.J.S.A. 2C:21-9c.

All contrary to the provisions of N.J.S.A. 2C:5-2, and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Conspiracy in Restraint of Trade - Second Degree)

PAUL KERTH

INDEPENDENT ALARM DISTRIBUTORS, INC.

and

ADIRONDACK ALARM

who are named as defendants herein, and Edward F. Brewer, Sr., Jozef Caputa and other persons whose identities are known to the Grand Jurors, who are named as coconspirators but not as defendants herein, between on or about April 1, 1999, and on or about January 28, 2005, at the City of Trenton, in the County of Mercer, at the Borough of Audubon and at the Borough of Collingswood, both in the County of Camden, at the Township of Evesham, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, did knowingly conspire in restraint of trade or commerce in this State by agreeing to fix prices and to submit rigged bids for public contracts issued by the New Jersey Department of Corrections, contrary to the provisions of N.J.S.A. 56:9-3 and N.J.S.A. 56:9-11, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of same.

COUNT THREE

(Theft by Deception - Second Degree)

PAUL KERTH

INDEPENDENT ALARM DISTRIBUTORS, INC.

and

ADIRONDACK ALARM

between on or about April 1, 1999, and on or about January 28, 2005, at the City of Trenton, in the County of Mercer, at the Borough of Audubon, and at the Borough of Collingswood, both in the County of Camden, at the Township of Evesham, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, purposely did obtain property of another in excess of \$75,000 by deception, that is, the said PAUL KERTH and INDEPENDENT ALARM DISTRIBUTORS, INC., obtained payments on contracts from the State of New Jersey in an amount in excess of \$75,000 by creating or reinforcing a false impression that bids submitted by PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, who are named as defendants herein, and Edward F. Brewer, Sr., Jozef Caputa and other persons whose identities are known to the Grand Jurors, who are not named as defendants herein, were submitted competitively,

WHEREAS, in truth and in fact, as the said PAUL KERTH and INDEPENDENT ALARM DISTRIBUTORS, INC., well knew, the said bids were prepared collusively, contrary to the provisions of N.J.S.A. 2C:20-4a, N.J.S.A. 2C:20-2, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and

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



COUNT FOUR

(Theft by Deception - Third Degree)

PAUL KERTH

INDEPENDENT ALARM DISTRIBUTORS, INC.

ADIRONDACK ALARM

and

AUTOMATIC ALARM ASSOCIATES

between on or about May 24, 2000, and on or about September 23, 2004, at the Borough of Collingswood, and at the Township of Haddon, both in the County of Camden, at the Borough of Oaklyn, in the County of Camden, at the Township of Evesham, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, purposely did obtain property of another in excess of \$500 by deception, that is, the said PAUL KERTH and INDEPENDENT ALARM DISTRIBUTORS, INC., obtained payments on contracts from the Borough of Oaklyn and the Township of Haddon in an amount in excess of \$500 by creating or reinforcing a false impression that bids submitted by PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, AUTOMATIC ALARM ASSOCIATES, who are named as defendants herein, and Edward F. Brewer, Sr., who is not named as a defendant herein, were submitted competitively,

WHEREAS, in truth and in fact, as the said PAUL KERTH and INDEPENDENT ALARM DISTRIBUTORS, INC., well knew, the said bids were prepared collusively, contrary to the provisions of N.J.S.A. 2C:20-

4a, N.J.S.A. 2C:20-2, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(False Representations for a Government Contract - Second Degree)

PAUL KERTH

INDEPENDENT ALARM DISTRIBUTORS, INC.

and

ADIRONDACK ALARM

between on or about April 1, 1999, and on or about January 28, 2005, at the City of Trenton, in the County of Mercer, at the Borough of Audubon, and at the Borough of Collingswood, both in the County of Camden, at the Township of Evesham, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, knowingly did make material representations that were false in connection with the performance of a government contract, that is, the said PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC., and ADIRONDACK ALARM, knowingly made false, material representations that the quotations submitted by INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM, who are named as defendants herein, and Edward F. Brewer, Sr., Jozef Caputa and other persons whose identities are known to the Grand Jurors, who are not named as defendants herein, were valid quotations and were submitted competitively, in connection with the negotiation, award or performance of one or more contracts with the State of New Jersey, which contracts were in the aggregate amount of \$25,000 or more, contrary to the provisions of N.J.S.A. 2C:21-34b,

N.J.S.A. 2C:21-8.1, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(False Representations for Government Contracts - Second Degree)

PAUL KERTH

INDEPENDENT ALARM DISTRIBUTORS, INC.

ADIRONDACK ALARM

and

AUTOMATIC ALARM ASSOCIATES

between on or about May 24, 2000 and on or about September 23, 2004,  
at the Borough of Collingswood, in the County of Camden, at the  
Township of Haddon, and at the Borough of Oaklyn, both in the County  
of Camden, at the Township of Evesham, in the County of Burlington,  
elsewhere, and within the jurisdiction of this Court, knowingly did  
make material representations that were false in connection with the  
negotiation, award or performance of a government contract, that is,  
the said PAUL KERTH, INDEPENDENT ALARM DISTRIBUTORS, INC.,  
ADIRONDACK ALARM and AUTOMATIC ALARM ASSOCIATES knowingly made  
false, material representations that the bids submitted by  
INDEPENDENT ALARM DISTRIBUTORS, INC., ADIRONDACK ALARM and AUTOMATIC  
ALARM ASSOCIATES, who are named as defendants herein, and Edward F.  
Brewer, Sr., who is not named as a defendants herein, were valid  
bids and were submitted competitively, and purposely did aid or  
agree or attempt to aid other persons whose identities are known to  
the Grand Jurors in knowingly making false, material representations  
that the bids submitted by the three aforesaid companies were valid

and were submitted competitively, in connection with the negotiation, award or performance of one or more contracts with the Borough of Oaklyn and the Township of Haddon, which contracts were in the aggregate amount of \$25,000 or more, contrary to the provisions of N.J.S.A. 2C:21-34b, N.J.S.A. 2C:21-8.1b, N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Misconduct by Corporate Official - Second Degree)

PAUL KERTH

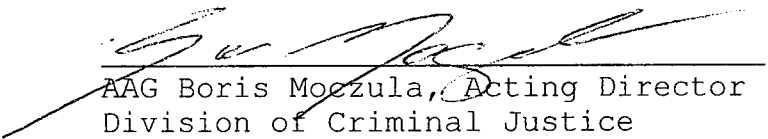
between on or about April 1, 1999, and on or about January 28, 2005, at the City of Trenton, in the County of Mercer, at the Borough of Audubon, and at the Borough of Collingswood, both in the County of Camden, at the Township of Haddon, in the County of Camden, at the Borough of Oaklyn, in the County of Camden, at the Township of Evesham, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, knowingly did use a corporation, that is, INDEPENDENT ALARM DISTRIBUTORS, INC., a corporation of the State of New Jersey, for the furtherance of criminal objects, that is the crimes of Conspiracy in Restraint of Trade, in violation N.J.S.A. 56:9-3 and 9-11, Theft by Deception, in violation of N.J.S.A. 2C:20-4a, and False Representations for a Government Contract, in violation of N.J.S.A. 2C:21-34b, and did derive therefrom a benefit in excess of \$75,000, contrary to the provisions of N.J.S.A. 2C:21-9c, and against the peace of this State, the government and dignity of same.

COUNT EIGHT

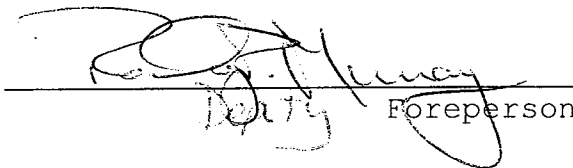
(Misconduct by Corporate Official - Third Degree)

PAUL KERTH

between on or about May 24, 2000, and on or about September 23, 2004, at the City of Trenton, in the County of Mercer, at the Township of Haddon, and at the Borough of Oaklyn, both in the County of Camden, at the Township of Evesham, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, knowingly did use a corporation, that is, ADIRONDACK ALARM, a corporation of the State of New Jersey, for the furtherance of criminal objects, that is the crimes of Conspiracy in Restraint of Trade, in violation N.J.S.A. 56:9-3 and 9-11, Theft by Deception, in violation of N.J.S.A. 2C:20-4a, and False Representations for a Government Contract, in violation of N.J.S.A. 2C:21-34b, and did derive therefrom a benefit in excess of \$1,000, contrary to the provisions of N.J.S.A. 2C:21-9c, and against the peace of this State, the government and dignity of same.

  
AAG Boris Moczula, Acting Director  
Division of Criminal Justice

A TRUE BILL:

  
Foreperson

Dated: 12-3-08



DONALD F. PHELPS  
CLERK OF SUPERIOR COURT  
SUPERIOR COURT OF N.J.  
MERCER COUNTY  
RECEIVED AND FILED

**FILED**

DEC 03 2008

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*Sue Regan*

SUE REGAN  
CLERK OF SUPERIOR COURT

**SUPERIOR COURT  
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ563-08-1

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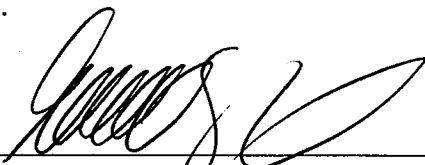
AUTOMATIC ALARM )  
ASSOCIATES )

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 3<sup>rd</sup> day of december, 2008, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Camden 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 Camden for filing.

  
\_\_\_\_\_  
Gerald J. Council, J.S.C.