

**FILED**

**FEB 05 2009**

**SUPERIOR COURT  
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ564-09-25

Superior Court

Docket Number

09-02-00027-S

STATE OF NEW JERSEY )

v. )

INDICTMENT

ROSALIND C. MAGEE )

)

BENJAMIN J. FALCON )

WILFREDO J. RIVERA )

and )

HERIBERTO GONZALEZ )

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

COUNT ONE

(Conspiracy - Second Degree)

ROSALIND C. MAGEE

and

between on or about June 6, 2007 and on or about August 6, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of official

misconduct, bribery and tampering with public records or information, did agree together that:

- A. One or more of them would engage in conduct which would constitute the aforesaid crimes or an attempt or solicitation to commit such crimes; or
- B. One or more of them would aid in the planning, attempt, solicitation, or commission of said crimes, that is:
  - 1. Official misconduct, in that one or more of them with the purpose to obtain a benefit for herself or another would commit an act relating to her office but constituting an unauthorized exercise of her official functions, knowing that such act is unauthorized or would commit such an act in an unauthorized manner, or would knowingly refrain from performing a duty which is imposed upon her by law or is clearly inherent in the nature of her office, contrary to the provisions of N.J.S.A. 2C:30-2;
  - 2. Bribery in official matters, in that one or more of them knowingly would directly or indirectly offer, confer or agree to confer upon another or would solicit, accept or agree to accept from another a benefit as consideration for a violation of an official duty of a public servant or as consideration for the performance of official duties, contrary to

the provisions of N.J.S.A. 2C:27-2; and

3. Tampering with Public Records or Information, in that one or more of them, with the purpose to defraud or injure another, would make, present, offer for filing or use any record, document or thing knowing it to be false, and with purpose that it be taken as a genuine part of information or records belonging to, or received or kept by, the government for information or record.

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

COUNT TWO

(Official Misconduct - Second Degree)

ROSALIND C. MAGEE

AND

BENJAMIN J. FALCON

on or about June 6, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, ~~did commit the offense of official misconduct, in that the~~ said ROSALIND C. MAGEE, acting with purpose to obtain a benefit for herself or another or to injure or to deprive another of a benefit, did commit acts relating to her office, but constituting unauthorized exercises of her official functions, knowing that such acts were unauthorized or that she was committing them in an unauthorized manner, or did knowingly refrain from performing a duty imposed upon her by law or clearly inherent in the nature of her office, and the said ROSALIND C. MAGEE, then and there being a public servant, to wit: Customer Service Representative for the New Jersey Motor Vehicle Commission, Cardiff Agency, having thereby the official functions and duties, among others, to process and issue New Jersey Motor Vehicle Commission Digital Driver Licenses, New Jersey Motor Vehicle Commission Non-Driver Identifications, and other New Jersey Motor Vehicle Commission documents, to perform her duties in a legal and proper manner, to display good faith, honesty

and integrity, and to be impervious to corrupting influences, did, with purpose to secure a benefit for herself or another, accept a bribe in excess of \$200 from \_\_\_\_\_ and BENJAMIN J. FALCON for the improper issuance of a New Jersey Motor Vehicle Commission Digital Driver License to \_\_\_\_\_ in the name of Samuel Jirau, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

COUNT THREE

(Bribery - Second Degree)

ROSALIND C. MAGEE

AND

BENJAMIN J. FALCON

on or about June 6, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did directly or indirectly offer, confer, or agree to confer upon another, or solicit, accept or agree to accept from another a benefit not authorized by law, as consideration for the violation of an official duty of a public servant, or for the performance of an official duty; that is, the said ROSALIND C. MAGEE, while employed as a Customer Service Representative at the New Jersey Motor Vehicle Commission, Cardiff Agency, did accept money in excess of \$200 offered or conferred either directly or indirectly from the said \_\_\_\_\_ and BENJAMIN J. FALCON, as consideration for the improper issuance of a New Jersey Motor Vehicle Commission Digital Driver License to \_\_\_\_\_ in the name of Samuel Jirau, contrary to the provisions of N.J.S.A. 2C:27-2c, N.J.S.A. 2C:27-2d, and N.J.S.A. 2C:2-6, and against the peace of the State, the government and the dignity of the same.

COUNT FOUR

(Tampering with Public Records or Information - Third Degree)

ROSALIND C. MAGEE

AND

BENJAMIN J. FALCON

on or about June 6, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere and within the jurisdiction of this Court, with the purpose to defraud or injure another, did make, present, offer for filing or use any record, document or thing knowing it to be false, and with purpose that it be taken as a genuine part of information or records belonging to, or received or kept by, the government for information or record; that is, the said ROSALIND C. MAGEE, and BENJAMIN J. FALCON with the purpose to defraud the New Jersey Motor Vehicle Commission, did make or offer for filing or use a New Jersey Motor Vehicle Commission Application for Driver License containing false information concerning the identity and pedigree information of the named applicant which was submitted to the New Jersey Motor Vehicle Commission with the purpose that it be taken as a genuine part of the records kept by the State of New Jersey, New Jersey Motor Vehicle Commission, contrary to the provisions of N.J.S.A. 2C:28-7a(2) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Official Misconduct - Third Degree)

ROSALIND C. MAGEE

AND

WILFREDO J. RIVERA

on or about August 6, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said ROSALIND C. MAGEE, acting with purpose to obtain a benefit for herself or another or to injure or to deprive another of a benefit, did commit acts relating to her office, but constituting unauthorized exercises of her official functions, knowing that such acts were unauthorized or that she was committing them in an unauthorized manner, or did knowingly refrain from performing a duty imposed upon her by law or clearly inherent in the nature of her office, and the said ROSALIND C. MAGEE, then and there being a public servant, to wit: Customer Service Representative for the New Jersey Motor Vehicle Commission, Cardiff Agency, having thereby the official functions and duties, among others, to process and issue New Jersey Motor Vehicle Commission Digital Driver Licenses, New Jersey Motor Vehicle Commission Non-Driver Identifications, and other New Jersey Motor Vehicle Commission documents, to perform her duties in a legal and proper manner, to display good faith, honesty



and integrity, and to be impervious to corrupting influences, did, with purpose to secure a benefit for herself or another, accept a bribe of \$200 or less from \_\_\_\_\_ and WILFREDO J. RIVERA for the improper issuance of a New Jersey Motor Vehicle Commission Non-Driver Identification to WILFREDO J. RIVERA in the name of Wilfredo J. Rivera, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

COUNT SIX

(Bribery - Third Degree)

ROSALIND C. MAGEE

AND

WILFREDO J. RIVERA

on or about August 6, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did directly or indirectly offer, confer, or agree to confer upon another, or solicit, accept or agree to accept from another a benefit not authorized by law, as consideration for the violation of an official duty of a public servant, or for the performance of an official duty; that is, the said ROSALIND C. MAGEE, while employed as a Customer Service Representative at the New Jersey Motor Vehicle Commission, Cardiff Agency, did accept money of \$200 or less offered or conferred either directly or indirectly from the said \_\_\_\_\_ and WILFREDO J. RIVERA, as consideration for the improper issuance of a New Jersey Motor Vehicle Commission Non-Driver Identification to WILFREDO J. RIVERA in the name of Wilfredo J. Rivera, contrary to the provisions of N.J.S.A. 2C:27-2c, N.J.S.A. 2C:27-2d, and N.J.S.A. 2C:2-6, and against the peace of the State, the government and the dignity of the same.

COUNT Seven

(Tampering with Public Records or Information - Third Degree)

ROSALIND C. MAGEE

AND

WILFREDO J. RIVERA

on or about August 6, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere and within the jurisdiction of this Court, with the purpose to defraud or injure another, did make, present, offer for filing or use any record, document or thing knowing it to be false, and with purpose that it be taken as a genuine part of information or records belonging to, or received or kept by, the government for information or record; that is, the said ROSALIND C. MAGEE, and WILFREDO J. RIVERA with the purpose to defraud the New Jersey Motor Vehicle Commission, did make or offer for filing or use a New Jersey Motor Vehicle Commission Application for Driver License containing false information concerning the pedigree information of the named applicant which was submitted to the New Jersey Motor Vehicle Commission with the purpose that it be taken as a genuine part of the records kept by the State of New Jersey, New Jersey Motor Vehicle Commission, contrary to the provisions of N.J.S.A. 2C:28-7a(2) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT EIGHT

(Official Misconduct - Third Degree)

ROSALIND C. MAGEE

AND

HERIBERTO GONZALEZ

on or about July 14, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said ROSALIND C. MAGEE, acting with purpose to obtain a benefit for herself or another or to injure or to deprive another of a benefit, did commit acts relating to her office, but constituting unauthorized exercises of her official functions, knowing that such acts were unauthorized or that she was committing them in an unauthorized manner, or did knowingly refrain from performing a duty imposed upon her by law or clearly inherent in the nature of her office, and the said ROSALIND C. MAGEE, then and there being a public servant, to wit: Customer Service Representative for the New Jersey Motor Vehicle Commission, Cardiff Agency, having thereby the official functions and duties, among others, to process and issue New Jersey Motor Vehicle Commission Digital Driver Licenses, New Jersey Motor Vehicle Commission Non-Driver Identifications, and other New Jersey Motor Vehicle Commission documents, to perform her duties in a legal and proper manner, to display good faith, honesty

and integrity, and to be impervious to corrupting influences, did, with purpose to secure a benefit for herself or another, accept a bribe of \$200 or less from \_\_\_\_\_ and HERIBERTO GONZALEZ for the improper issuance of a New Jersey Motor Vehicle Commission Non-Driver Identification to HERIBERTO GONZALEZ in the name of Jose Velasquez, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

COUNT NINE

(Bribery - Third Degree)

ROSALIND C. MAGEE

AND

HERIBERTO GONZALEZ

on or about July 14, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did directly or indirectly offer, confer, or agree to confer upon another, or solicit, accept or agree to accept from another a benefit not authorized by law, as consideration for the violation of an official duty of a public servant, or for the performance of an official duty; that is, the said ROSALIND C. MAGEE, while employed as a Customer Service Representative at the New Jersey Motor Vehicle Commission, Cardiff Agency, did accept money of \$200 or less offered or conferred either directly or indirectly from the said \_\_\_\_\_ and HERIBERTO GONZALEZ, as consideration for the improper issuance of a New Jersey Motor Vehicle Commission Non-Driver Identification to HERIBERTO GONZALEZ in the name of Jose Velasquez, contrary to the provisions of N.J.S.A. 2C:27-2c, N.J.S.A. 2C:27-2d, and N.J.S.A. 2C:2-6, and against the peace of the State, the government and the dignity of the same.

COUNT TEN

(Tampering with Public Records or Information - Third Degree)

ROSALIND C. MAGEE

AND

HERIBERTO GONZALEZ

on or about July 14, 2007, at the Township of Egg Harbor, in the County of Atlantic, elsewhere and within the jurisdiction of this Court, with the purpose to defraud or injure another, did make, present, offer for filing or use any record, document or thing knowing it to be false, and with purpose that it be taken as a genuine part of information or records belonging to, or received or kept by, the government for information or record; that is, the said ROSALIND C. MAGEE, and HERIBERTO GONZALEZ with the purpose to defraud the New Jersey Motor Vehicle Commission, did make or offer for filing or use a New Jersey Motor Vehicle Commission Application for Driver License containing false information concerning the identity and pedigree information of the named applicant which was submitted to the New Jersey Motor Vehicle Commission with the purpose that it be taken as a genuine part of the records kept by the State of New Jersey, New Jersey Motor Vehicle Commission, contrary to the provisions of N.J.S.A. 2C:28-7a(2) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT ELEVEN

(Pattern of Official Misconduct - Second Degree)

ROSALIND C. MAGEE

between on or about June 6, 2007, and August 6, 2007, in the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, did commit the offense of pattern of official misconduct, in that the said ROSALIND C. MAGEE, then and there being a public servant, to wit: Customer Service Representative for the New Jersey Motor Vehicle Commission, Cardiff Agency, having thereby the official functions and duties, among others, to process and issue New Jersey Motor Vehicle Commission Digital Driver Licenses, New Jersey Motor Vehicle Commission Non-Driver Identifications, and other New Jersey Motor Vehicle Commission documents, to perform her duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did commit two or more acts of official misconduct, each in violation of N.J.S.A. 2C:30-2, as specified in Counts Two, Five, and Eight of this Indictment, the provisions of which are incorporated as if set forth fully herein, contrary to the provisions of N.J.S.A. 2C:30-7, and against the

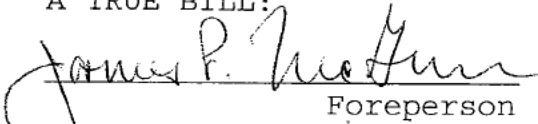


peace of this State, the government and dignity of same.



Deborah L. Gramiccioni, Director  
Division of Criminal Justice

A TRUE BILL:



Foreperson

Date: 2/5/2009

**FILED**

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**SUPERIOR COURT  
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury  
Number SGJ564-09-25  
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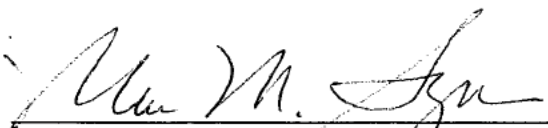
STATE OF NEW JERSEY )  
v. )  
ROSALIND C. MAGEE )  
)  
BENJAMIN J. FALCON )  
WILFREDO J. RIVERA )  
and )  
HERIBERTO GONZALEZ )

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 *5<sup>th</sup>* day of *February*, 2009, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Atlantic 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 Atlantic for filing.

  
\_\_\_\_\_  
Linda R. Feinberg, A.J.S.C.  
Maria Marinari Sypek, J.S.C. P.J.Ch.