

**FILED**

MAR 31 2009

**SUPERIOR COURT  
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ567-09-3

Superior Court

Docket Number 09-03-00057-S

STATE OF NEW JERSEY )

v. )

INDICTMENT

FRANK X. WATTS )

DANIEL CESARIO )

and )

CESARIO CONSTRUCTION )  
COMPANY, INC.

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

COUNT ONE

(Bribery in Official and Political Matters- Second Degree)

FRANK X. WATTS

DANIEL CESARIO

and

CESARIO CONSTRUCTION COMPANY, INC.

between on or about April 16, 1999 and on or about July 1, 2006,  
at the Township of Oxford, in the County of Warren, at the City  
of Newark, in the County of Essex, at the Township of East

Hanover, in the County of Morris, and at the City of New Brunswick, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, the said DANIEL CESARIO and CESARIO CONSTRUCTION COMPANY, INC., knowingly did directly or indirectly offer, confer or agree to confer upon the said FRANK X. WATTS a benefit, that is, the construction of a 20 foot by 20 foot deck at the residence of FRANK X. WATTS, the construction of a 200 square foot furnished addition at the residence of FRANK X. WATTS, a 1996 Cadillac Deville and a cellular phone, in excess of \$200, and the said FRANK X. WATTS knowingly did directly or indirectly solicit, accept or agree to accept from the said DANIEL CESARIO and CESARIO CONSTRUCTION COMPANY, INC., the construction of a 20 foot by 20 foot deck at the residence of FRANK X. WATTS, the construction of a 200 square foot furnished addition at the residence of FRANK X. WATTS, a 1996 Cadillac Deville and a cellular phone, as consideration for the violation of the said FRANK X. WATTS' duty as a public servant and/or the performance of the said FRANK X. WATTS' duty as a public servant, in improperly granting work to CESARIO CONSTRUCTION COMPANY, INC. at the University of Medicine and Dentistry of New Jersey, Physical Plant, contrary to the provisions of N.J.S.A. 2C:27-2c,d, 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 TWO

(Official Misconduct - Second Degree)

FRANK X. WATTS

DANIEL CESARIO

and

CESARIO CONSTRUCTION COMPANY, INC.

between on or about April 16, 1999 and on or about July 1, 2006, at the Township of Oxford, in the County of Warren, at the City of Newark, in the County of Essex, at the Township of East Hanover, in the County of Morris, and at the City of New Brunswick, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said FRANK X. WATTS, acting with the purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit in excess of \$200, did commit one or more acts relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such acts were unauthorized or that he was committing them in an unauthorized manner or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office: that is, the said FRANK X. WATTS, then and there being a public servant, to wit: Assistant Director and Director of the Physical Plant at the University of Medicine and Dentistry of New Jersey, having thereby the official functions and duties, among others,

to supervise, direct and control the construction, renovation, and maintenance for all work at the Physical Plant at the University of Medicine and Dentistry of New Jersey, and in particular to authorize and/or approve services for the Physical Plant, to perform all his duties in a legal and proper manner without receipt of unlawful compensation or gifts from parties involved in contracts to sell or furnish services to the State, to display good faith, honesty and integrity, to be impervious to corrupting influences, to conduct oneself with undivided loyalty to the public trust, to avoid activities that may appear to give rise to a conflict of interest, and to refrain from activities which interfere with the proper discharge of his duties, did knowingly accept a bribe from DANIEL CESARIO and CESARIO CONSTRUCTION COMPANY, INC., that being the construction of a 20 foot by 20 foot deck at the residence of FRANK X. WATTS, the construction of a 200 square foot furnished addition at the residence of FRANK X. WATTS, a 1996 Cadillac Deville and a cellular phone, in excess of \$200, as consideration for the violation of the said FRANK X. WATTS' duty as a public servant, and/or the performance of the said FRANK X. WATTS' duty as a public servant, in improperly granting work to CESARIO CONSTRUCTION COMPANY, INC. at the University of Medicine and Dentistry of New Jersey, Physical Plant, contrary to the provisions of N.J.S.A. 2C:30-2, 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 THREE

(Official Misconduct - Second Degree)

FRANK X. WATTS

DANIEL CESARIO

and

CESARIO CONSTRUCTION COMPANY, INC.

between on or about April 16, 1999 and on or about July 1, 2006, at the Township of Oxford, in the County of Warren, at the City of Newark, in the County of Essex, at the Township of East Hanover, in the County of Morris, and at the City of New Brunswick, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said FRANK X. WATTS, acting with the purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit in excess of \$200, did commit one or more acts relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such acts were unauthorized or that he was committing them in an unauthorized manner or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office: that is, the said FRANK X. WATTS, then and there being a public servant, to wit: Assistant Director and Director of the Physical Plant at the University of Medicine and Dentistry of New Jersey, having thereby the official functions and duties, among others,

to supervise, direct and control the construction, renovation, and maintenance for all work at the Physical Plant at the University of Medicine and Dentistry of New Jersey, and in particular to authorize and/or approve services for the Physical Plant, to perform all his duties in a legal and proper manner without receipt of unlawful compensation or gifts from parties involved in contracts to sell or furnish services to the State, to display good faith, honesty and integrity, to be impervious to corrupting influences, to conduct oneself with undivided loyalty to the public trust, to avoid activities that may appear to give rise to a conflict of interest, and to refrain from activities which interfere with the proper discharge of his duties, did knowingly accept personal gifts from DANIEL CESARIO and CESARIO CONSTRUCTION COMPANY, INC., that is, knowing that under the University of Medicine and Dentistry of New Jersey Code of Ethics created pursuant to the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-23, he was prohibited from accepting any gift, favor, service or other thing of value of more than trivial or nominal value under circumstances from which it might reasonably be inferred that the gift, favor, service or other thing of value was given for the purpose of influencing him in the discharge of his official duties, the said FRANK X. WATTS knowingly accepted the construction of a 20 foot by 20 foot deck at the residence of FRANK X. WATTS, the construction of a 200 square foot furnished

addition at the residence of FRANK X. WATTS, a 1996 Cadillac Deville and a cellular phone from DANIEL CESARIO and CESARIO CONSTRUCTION COMPANY, INC., for the purpose of influencing the said FRANK X. WATTS in improperly granting work to CESARIO CONSTRUCTION COMPANY, INC. at the University of Medicine and Dentistry of New Jersey, Physical Plant, contrary to the provisions of N.J.S.A. 2C:30-2, 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

(Pattern of Official Misconduct - Second Degree)

FRANK X. WATTS

DANIEL CESARIO

and

CESARIO CONSTRUCTION COMPANY, INC.

between on or about April 16, 1999 and on or about July 1, 2006, at the Township of Oxford, in the County of Warren, at the City of Newark, in the County of Essex, at the Township of East Hanover, in the County of Morris, and at the City of New Brunswick, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit two or more acts of Official Misconduct, in violation of N.J.S.A. 2C:30-2, that is, the said FRANK X. WATTS, then and there being a public servant, to wit: the Assistant Director and Director of the Physical Plant at the University of Medicine and Dentistry of New Jersey, and having thereby the official functions and duties, among others, to supervise, direct and control the construction, renovation, and maintenance for all work at the Physical Plant at the University of Medicine and Dentistry of New Jersey, and in particular to authorize and/or approve services for the Physical Plant, to perform all his duties in a legal and proper manner without receipt of unlawful compensation or gifts from parties involved in contracts to sell or furnish services to the State,

to display good faith, honesty and integrity, to be impervious to corrupting influences, to conduct himself with undivided loyalty to the public trust, to avoid activities that may appear to give rise to a conflict of interest, and to refrain from activities which interfere with the proper discharge of his duties, did commit two or more acts of official misconduct, at least one of which was a crime of the second degree, including but not limited to those acts and omissions described in Counts Two and Three, which allegations are incorporated by reference as if fully set forth herein, contrary to the provisions of N.J.S.A. 2C:30-7, 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

(Theft by Deception - Third degree)

DANIEL CESARIO

and

CESARIO CONSTRUCTION COMPANY, INC.

between on or about February 10, 2000 and on or about October 18, 2004, at the City of Newark, in the County of Essex, at the Township of East Hanover, in the County of Morris, and at the City of New Brunswick, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, purposely did obtain property of another in excess of \$500 by deception, that is, the said DANIEL CESARIO and CESARIO CONSTRUCTION COMPANY, INC., obtained payments on invoices from the State of New Jersey in an amount in excess of \$500 by creating or reinforcing a false impression that the total dollar amount billed on invoices submitted by CESARIO CONSTRUCTION COMPANY, INC. for payment for troubleshooting work on the HVAC system at the University of Medicine and Dentistry of New Jersey was accurate,

WHEREAS, in truth and in fact, as the said DANIEL CESARIO and CESARIO CONSTRUCTION INC, well knew, the total dollar amount billed on the invoices was overcharged, contrary to the provisions of N.J.S.A. 2C:20-4a, N.J.S.A. 2C:20-2(b)(4), 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)

DANIEL CESARIO

and

CESARIO CONSTRUCTION COMPANY, INC.

between on or about February 10, 2000 and on or about October 18, 2004, at the City of Newark, in the County of Essex, at the Township of East Hanover, in the County of Morris, and at the City of New Brunswick, in the County of Middlesex, 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 valued in excess of \$25,000; that is, the said DANIEL CESARIO and CESARIO CONSTRUCTION COMPANY, INC., knowingly made false, material representations on invoices submitted by DANIEL CESARIO and CESARIO CONSTRUCTION COMPANY, INC. for payment, in connection with the negotiation, award or performance of one or more contracts with the University of Medicine and Dentistry 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:21-8.1b, 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

(Tampering with Public Records or Information - Third Degree)

DANIEL CESARIO

and.

CESARIO CONSTRUCTION COMPANY, INC.

between on or about September 2, 1999 and on or about October 18, 2004, at the City of Newark, in the County of Essex, at the Township of East Hanover, in the County of Morris, and at the City of New Brunswick, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, with purpose to defraud or injure, did make, present, offer for filing or use any record, document or thing knowing it to be false, and with the purpose that it be taken as a genuine part of information or records belonging to, received or kept by, the government for information or record, or required by law to be kept by others for information of the government, that is, the said DANIEL CESARIO and CESARIO CONSTRUCTION COMPANY, INC., knowing the same to be false, did make, present, offer for filing or use, one or more false proposals, invoices and/or related documentation pertaining to services provided to the University of Medicine and Dentistry of New Jersey, Physical Plant by CESARIO CONSTRUCTION COMPANY, INC., contrary to the provisions of N.J.S.A. 2C:28-7(a)(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 same.

COUNT EIGHT

(Misconduct by Corporate Official - Third Degree)


DANIEL CESARIO

between on or about April 16, 1999 and on or about July 1, 2006, at the Township of Oxford, in the County of Warren, at the City of Newark, in the County of Essex, at the Township of East Hanover, in the County of Morris, and at the City of New Brunswick, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, knowingly did use a corporation, that is, Cesario Construction Company, Inc., a corporation of the State of New Jersey, for the furtherance of criminal objects, that is the crimes of Bribery in Official and Political Matters, in violation of N.J.S.A. 2C:27-2c,d, Official Misconduct, in violation of N.J.S.A. 2C:30-2, Theft by Deception, in violation of N.J.S.A. 2C:20-4a, False Representations for a Government Contract, in violation of N.J.S.A. 2C:21-34b, and Tampering with Public Records or Information, in violation of N.J.S.A. 2C:28-7(a)(2) and did derive therefrom a benefit in excess of \$1000, contrary to the provisions of N.J.S.A. 2C:21-9c, N.J.S.A. 2C:21-9c, 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.

  
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Deborah L. Gramiccioni / Director  
Division of Criminal Justice

A TRUE BILL:

  
\_\_\_\_\_  
Foreperson

Dated: 3/21/09

**FILED**

**MAR 31 2009**

**SUPERIOR COURT  
CLERKS OFFICE**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury  
Number SGJ567-09-3  
Superior Court  
Docket Number 09-03-00057-S

STATE OF NEW JERSEY )

v. )

ORDER OF VENUE

FRANK X. WATTS )

DANIEL CESARIO )

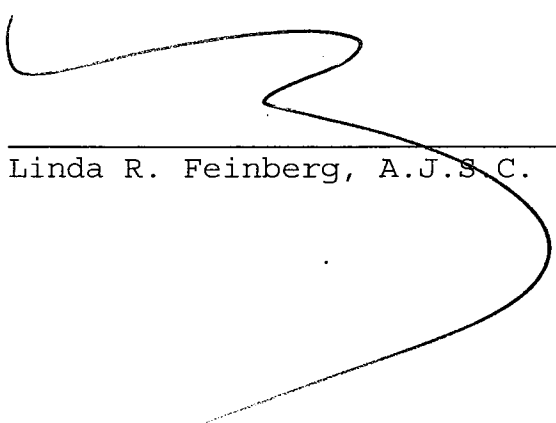
and )

CESARIO CONSTRUCTION )  
COMPANY, INC.

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

IT IS ORDERED on this 31<sup>st</sup> day of March, 2009, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Morris 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 Morris for filing.

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