

FILED

JUN 29 2011

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

SUPERIOR COURT  
CLERK'S OFFICE

State Grand Jury #  
Number SGJ608-11-2

Superior Court  
Docket Number 11-06-00075-S

STATE OF NEW JERSEY )

v. )

INDICTMENT

GAUDNER B. METELLUS, )

and )

ERNEST JEROME DUBOSE. )

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

COUNT ONE

(Conspiracy - Second Degree)

GAUDNER B. METELLUS

and

ERNEST JEROME DUBOSE

who are named as defendants herein, and other persons, whose identities are both known and unknown to the Grand Jurors, who are coconspirators but not named as defendants herein, between on or about July 21, 2010 and on or about September 23, 2010, at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting the crimes of Official Misconduct, Bribery in Official

and Political Matters, Theft by Deception, and False Contract Payment Claims, did agree 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, being a public servant, would, 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, commit acts relating to his office, but constituting an unauthorized exercise(s) of his official functions, knowing that such acts were unauthorized or that he was committing them in an unauthorized manner, and the said GAUDNER B. METELLUS then and there being a public servant, to wit: a Senior Engineer with the New Jersey Department of Transportation, Bureau of Rail Services, having been charged with the official functions and duties, among others, to monitor and oversee the New Jersey State Rail Freight Assistance Program, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, knowingly would solicit, accept, or agree to accept approximately \$325,000 from representatives of a railroad company to ensure the award of the New Jersey Department of

Transportation State Rail Freight Assistance Program Grant for the Eagle Rock Bridge Rehabilitation Project to the railroad company or to engage in a fraudulent scheme to artificially inflate the cost of that project from approximately \$693,000 to \$1,421,510, contrary to the provisions of N.J.S.A. 2C:30-2(a);

2. Bribery in Official or Political Matters, in that one or more of them knowingly would directly or indirectly solicit, accept or agree to accept from representatives of a railroad company a benefit, that is, money in excess of \$200, as consideration for the performance of or violation of the said GAUDNER B. METELLUS' official duty as a public servant, that is: Senior Engineer for the New Jersey Department of Transportation, Bureau of Rail Services, contrary to the provisions of N.J.S.A. 2C:27-2(c) and (d);

3. Theft by Deception, in that one or more of them purposely would attempt to obtain in excess of \$75,000 from the State of New Jersey, through the New Jersey Department of Transportation, by deception, that is, by creating and reinforcing the false impression on a grant application submitted to the New Jersey Department of Transportation that the cost of the Eagle Rock Bridge Rehabilitation Project would be in excess of \$1,420,000, when, in reality and as they well knew, the total cost was estimated at approximately \$693,000, contrary to the provisions of N.J.S.A. 2C:20-4(a) and N.J.S.A. 2C:5-1; and

4. False Contract Payment Claim, in that one or more of them knowingly would submit to the government a claim for payment in the amount of \$25,000 or more for performance of a government contract, that is, an invoice from the railroad company to the New Jersey Department of Transportation in the amount of \$447,350, knowing such claim to be false, fictitious, or fraudulent, contrary to the provisions of N.J.S.A. 2C:21-34(a).

All in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Official Misconduct - Second Degree)

GAUDNER B. METELLUS

and

ERNEST JEROME DUBOSE

and other persons, whose identities are both known and unknown to the Grand Jurors, who are coconspirators but not named as defendants herein, between on or about July 21, 2010 and on or about September 23, 2010, at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did commit the offense of Official Misconduct, in that GAUDNER B. METELLUS, being a public servant, did, in complicity with ERNEST JEROME DUBOSE, and acting with the purpose to obtain a benefit for himself or another in excess of \$200, or to injure or deprive another of a benefit in excess of \$200, commit one or more acts relating to his office, but constituting an unauthorized exercise(s) of his official functions, knowing that such acts were unauthorized or that he was committing them in an unauthorized manner, and the said GAUDNER B. METELLUS then and there being a public servant, to wit: a Senior Engineer with the New Jersey Department of Transportation, Bureau of Rail Services, having been charged with the official functions and duties, among others, to monitor and oversee the State Rail Freight Assistance Program, to perform his duties in a legal and proper manner, to

COUNT THREE

(Bribery in Official and Political Matters - Second Degree)

GAUDNER B. METELLUS

and

ERNEST JEROME DUBOSE

between on or about July 21, 2010 and on or about September 23, 2010, at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, knowingly did directly or indirectly solicit, accept, or agree to accept from representatives of a railroad company a benefit, that is, money in excess of \$200, as consideration for the performance of or violation of the said GAUDNER B. METELLUS' official duty as a public servant, that is: Senior Engineer for the New Jersey Department of Transportation, Bureau of Rail Services, contrary to the provisions of N.J.S.A. 2C:27-2(c) and (d), N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

COUNT FOUR

(Attempted Theft by Deception - Second Degree)

GAUDNER B. METELLUS

and

ERNEST JEROME DUBOSE

and other persons, whose identities are both known and unknown to the Grand Jurors, who are coconspirators but not named as defendants herein, between on or about July 21, 2010 and on or about September 23, 2010, at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did did purposely attempt to obtain in excess of \$75,000 from the State of New Jersey, through the New Jersey Department of Transportation, by deception, that is, by creating and reinforcing the false impression on a grant application submitted to the New Jersey Department of Transportation that the cost of the Eagle Rock Bridge Rehabilitation Project would be in excess of \$1,420,000, when, in reality and as they well knew, the total cost was estimated at approximately \$693,000, contrary to the provisions of N.J.S.A. 2C:20-4(a), N.J.S.A. 2C:5-1, N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

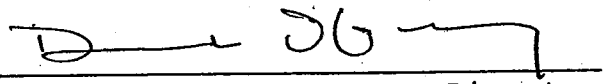
(False Contract Payment Claim - Second Degree)

GAUDNER B. METELLUS

and

ERNEST JEROME DUBOSE

and other persons, whose identities are both known and unknown to the Grand Jurors, who are coconspirators but not named as defendants herein, on or about September 17, 2010, at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did knowingly submit to the government a claim for payment in the amount of \$25,000 or more for performance of a government contract, that is, an invoice from a railroad company to the New Jersey Department of Transportation in the amount of \$447,350, knowing such claim to be false, fictitious, or fraudulent, contrary to the provisions of N.J.S.A. 2C:21-34(a), N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

  
Dermot O'Grady, Deputy Director  
Division of Criminal Justice

A TRUE BILL:

William Hostetter  
, Foreperson

Dated: 6-29-11



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GAUDNER B. METELLUS )

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ERNEST JEROME DUBOSE )

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 29<sup>th</sup> day of June, 2011, 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.

  
Pedro J. Jimenez, Jr., J.S.C.