

FILED

APR 10 2012

State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ 617-12-10

Superior Court
Docket Number 12-04-00073-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

GORDON FULLER)

and)

WILLARD PHILLIPS.)

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

COUNT ONE

(Conspiracy - Second Degree)

GORDON FULLER

and

WILLARD PHILLIPS

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 January 1, 2003 and on or about August 9, 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 Misconduct by a

Corporate Official, Theft by Deception, False Contract Payment Claims, and Tampering with Public Records or Information, did agree that:

1. 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
2. One or more of them would aid in the planning, attempt, solicitation or commission of said crimes, that is:
 - A. Misconduct by a Corporate Official, in that one or more of them, would knowingly use, control or operate a corporation for the furtherance or promotion of any criminal object, and would derive therefrom a benefit of \$75,000 or more, contrary to the provisions of N.J.S.A. 2C:21-9c;
 - B. Theft by Deception, in that one or more of them would purposely obtain property of another in the amount of \$75,000 or more by deception by creating or reinforcing a false impression, including a false impression as to law, value, intention or other state of mind, contrary to the provisions of N.J.S.A. 2C:20-4a;
 - C. False Contract Payment Claims, in that one or more of them would knowingly submit to the government any claim for payment in the amount of \$25,000 or more for performance of a government contract knowing such claim to be false, fictitious or fraudulent, contrary to provisions of N.J.S.A. 2C:21-34a;

D. Tampering with Public Records or Information, in that one or more of them would, with purpose to defraud or injure, make, present, offer for filing or use, or cause to be made, presented, offered or used, 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, contrary to the provisions of N.J.S.A. 2C:28-7a(2).

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

COUNT TWO

(Misconduct by a Corporate Official - Second Degree)

GORDON FULLER

and

WILLARD PHILLIPS

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 January 1, 2003 and on or about August 9, 2010, at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did commit the offense of Misconduct by a Corporate Official in that GORDON FULLER and WILLARD PHILLIPS knowingly did use, control or operate a corporation for the furtherance or promotion of a criminal object, that is the crimes of Conspiracy, in violation of N.J.S.A. 2C:5-2; Theft by Deception, in violation of N.J.S.A. 2C:20-4a; False Contract Payment Claims, in violation of N.J.S.A. 2C:21-34a; and Tampering with Public Records and Information, in violation of N.J.S.A. 2C:28-7a(2); and did derive therefrom a benefit of \$75,000 or more, contrary to the provisions of N.J.S.A. 2C:21-9c and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Theft by Deception- Second Degree)

GORDON FULLER

and

WILLARD PHILLIPS

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 January 1, 2003 and on or about August 9, 2010, at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did purposely obtain or 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 that work had been completed on the Kenvil Team Track, Kenvil Scale Track, Cedar Knolls Team Track and the Passaic River Bridge projects, that is, GORDON FULLER and WILLARD PHILLIPS did submit or caused to be submitted false documents, to wit: invoices to the New Jersey Department of Transportation for \$1,319,417.80 worth of work;

WHEREAS, in truth and in fact, as the said GORDON FULLER and WILLARD PHILLIPS well knew, that only \$52,745 worth of work was completed, contrary to the provisions of N.J.S.A. 2C:20-4a, N.J.S.A. 2C:2-6, N.J.S.A. 2C:2-7, and N.J.S.A. 2C:5-1, and against the peace of the State, the government and dignity of the same.

COUNT FOUR

(False Contract Payment Claims - Second Degree)

GORDON FULLER

and

WILLARD PHILLIPS

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 January 1, 2003 and on or about August 9, 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 any claim for payment in the amount of \$25,000 or more for performance of a government contract knowing such claim to be false, fictitious or fraudulent, that is, the said GORDON FULLER and WILLARD PHILLIPS knowingly submitted fraudulent invoices to the New Jersey Department of Transportation in connection with the performance of a contract, to wit: invoices for payment of \$25,000 or more on the Kenvil Team Track, Kenvil Scale Track, Cedar Knolls Team Track and the Passaic River Bridge projects representing that work had been completed, contrary to provisions of N.J.S.A. 2C:21-34a, 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

(Tampering with Public Records or Information - Third Degree)

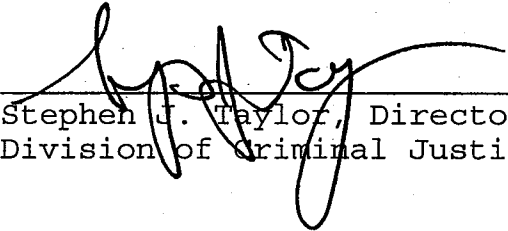
GORDON FULLER

and

WILLARD PHILLIPS


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 January 1, 2003, and on or about August 9, 2010, at the Town of Morristown, in the County of Morris, 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 record belonging to, or 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, GORDON FULLER and WILLARD PHILLIPS, with purpose to defraud the State of New Jersey Department of Transportation, did create and submit invoices for the Kenvil Team Track, Kenvil Scale Track, Cedar Knolls Team Track and the Passaic River Bridge projects knowing them to be false, contrary to the provisions of N.J.S.A. 2C:28-7a(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.



Stephen J. Taylor, Director
Division of Criminal Justice

A TRUE BILL:



, Foreperson

Dated: 4/10/12