

SUPERIOR COURT OF N.J.
REC'D

APR 02 2008

Christine P. Higgins
Acting Clerk

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ 549-07-5

Superior Court

Docket Number 08-04-00054-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

GERALD T. KENNEDY)

PRO GENERAL CONTRACTING)

INC. a/k/a

PRO PAINTING & GENERAL)

CONTRACTING)

STEELGREY, LLC)

and)

MARK STERMER)

SUPERIOR COURT OF N.J.
FILED

APR 03 2008

Christine P. Higgins
Acting Clerk

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

COUNT ONE

(Official Misconduct - Second Degree)

GERALD T. KENNEDY

and

PRO GENERAL CONTRACTING, INC.

between in or about September 2003 and continuing until in or about June 2005, at the City of Trenton, in the County of Mercer, at the Borough of Union Beach, in the County of Monmouth, and at the City of Elizabeth, in the County of Union, elsewhere, and within the

jurisdiction of this Court, did commit the offense of official misconduct, in that the said GERALD T. KENNEDY, 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 an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he was committing it 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 GERALD T. KENNEDY, then and there being a public servant, to wit: Supervisor of the Construction & Facility Maintenance Unit, and later Assistant Director of the Division of Operations within the New Jersey Department of Corrections, having thereby the official functions and duties, among others, to supervise the initiation and completion of construction or maintenance projects under \$41,100, including, but not limited to, the bidding and awarding of contracts, and for overseeing the acquisition of services, contracts, supplies, materials and equipment for the Division of Operations within the New Jersey Department of Corrections; to refrain from receiving any benefit, arising from and in connection with, any person doing business with his agency; to perform his duties in a legal and proper manner; to display good faith, honesty and integrity; to be impervious to corrupting influences; and to conduct himself with undivided loyalty to his public trust, the said GERALD T. KENNEDY

did accept monetary payments in excess of \$200 from an individual whose identity is known to the Grand Jurors, owner of PRO GENERAL CONTRACTING, INC., in exchange for GERALD T. KENNEDY helping said individual whose identity is known to the Grand Jurors obtain contracts for PRO GENERAL CONTRACTING, INC., from the New Jersey Department of Corrections, 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 same.

COUNT TWO

(Official Misconduct - Second Degree)

GERALD T. KENNEDY

between in or about August 2004 and in or about March 2006, at the City of Trenton, in the County of Mercer, at the Borough of Eatontown, in the County of Monmouth, at the Township of Neptune, in the County of Monmouth, and at the Borough of Point Pleasant, in the County of Ocean, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said GERALD T. KENNEDY, 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 an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he was committing it 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 GERALD T. KENNEDY, then and there being a public servant, to wit: Supervisor of the Construction & Facility Maintenance Unit, and later Assistant Director of the Division of Operations within the New Jersey Department of Corrections, having thereby the official functions and duties, among others, to supervise the initiation and completion of construction or maintenance projects under \$41,100, including, but not limited to, the bidding and awarding of contracts, and for overseeing the

acquisition of services, contracts, supplies, materials and equipment for the Division of Operations within the New Jersey Department of Corrections; to refrain from receiving any benefit, arising from and in connection with, any person doing business with his agency; to perform his duties in a legal and proper manner; to display good faith, honesty and integrity; to be impervious to corrupting influences; and to conduct himself with undivided loyalty to his public trust, the said GERALD T. KENNEDY did accept monetary payments in excess of \$200 from Alfred J. Canale, owner of an entity whose identity is known to the Grand Jurors, in exchange for GERALD T. KENNEDY helping Alfred J. Canale obtain contracts for that entity whose identity is known to the Grand Jurors, from the New Jersey Department of Corrections, contrary to the provisions of N.J.S.A. 2C:30-2, and against the peace of this State, the government and dignity of same.

COUNT THREE

(Official Misconduct - Second Degree)

GERALD T. KENNEDY

STEELGREY, LLC

and

MARK STERMER

between in or about March, 2003 and on or about October 1, 2003, at the City of Trenton, in the County of Mercer, at the Borough of Red Bank, in the County of Monmouth, and at the Borough of Highlands, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said GERALD T. KENNEDY, 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 an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he was committing it 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 GERALD T. KENNEDY, then and there being a public servant, to wit: Supervisor of the Construction & Facility Maintenance Unit, and later Assistant Director of the Division of Operations within the New Jersey Department of Corrections, having thereby the official functions and duties, among others, to supervise the initiation and completion of construction or

maintenance projects under \$41,100, including, but not limited to, the bidding and awarding of contracts, and for overseeing the acquisition of services, contracts, supplies, materials and equipment for the Division of Operations within the New Jersey Department of Corrections; to perform his duties in a legal and proper manner; to display good faith, honesty and integrity; to be impervious to corrupting influences; and to conduct himself with undivided loyalty to his public trust, did assist STEELGREY, LLC, and MARK STERMER in knowingly making false, material representations as to the finances and project experience of the said STEELGREY, LLC, and otherwise did hide and conceal his interest and involvement in STEELGREY, LLC, in its application for classification by the New Jersey Division of Property Management and Construction so that STEELGREY, LLC, and MARK STERMER would become eligible to bid and perform work on contracts worth in excess of \$200 awarded by the New Jersey Department of Corrections, with the purpose to secure a benefit to himself or another in excess of \$200, 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 same.

COUNT FOUR

(Official Misconduct - Second Degree)

GERALD T. KENNEDY

and

PRO GENERAL CONTRACTING, INC.

on or about December 19, 2002, at the City of Trenton, in the County of Mercer, at the Borough of Union Beach, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said GERALD T. KENNEDY, 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 an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he was committing it 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 GERALD T. KENNEDY, then and there being a public servant, to wit: Supervisor of the Construction & Facility Maintenance Unit, and later Assistant Director of the Division of Operations within the New Jersey Department of Corrections, having thereby the official functions and duties, among others, to supervise the initiation and completion of construction or maintenance projects under \$41,100, including, but not limited to, the bidding and awarding of contracts, and for overseeing the acquisition of services,

contracts, supplies, materials and equipment for the Division of Operations within the New Jersey Department of Corrections; to perform his duties in a legal and proper manner; to display good faith, honesty and integrity; to be impervious to corrupting influences; and to conduct himself with undivided loyalty to his public trust, did assist PRO GENERAL CONTRACTING, INC., in knowingly making false, material representations as to the project experience of the said PRO GENERAL CONTRACTING, INC., and otherwise did hide and conceal his interest and involvement in PRO GENERAL CONTRACTING, INC., in its application for classification by the New Jersey Division of Property Management and Construction so that PRO GENERAL CONTRACTING, INC., would become eligible to bid and perform work on contracts worth in excess of \$200 awarded by the New Jersey Department of Corrections, with the purpose to secure a benefit to himself or another in excess of \$200, 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 same.

COUNT FIVE

(Official Misconduct - Second Degree)

GERALD T. KENNEDY

and

PRO GENERAL CONTRACTING, INC.

between in or about May 2003 and in or about June 2005, at the City of Trenton, in the County of Mercer, at the Township of Neptune, in the County of Monmouth, at the Borough of Oceanport, in the County of Monmouth, at the Borough of Union Beach, in the County of Monmouth, at the Township of Lakewood, in the County of Ocean, at the Borough of Point Pleasant, in the County of Ocean, and at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said GERALD T. KENNEDY, 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 an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he was committing it 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 GERALD T. KENNEDY, then and there being a public servant, to wit: Supervisor of the Construction & Facility Maintenance Unit, and later Assistant Director of the Division of Operations within the New Jersey

Department of Corrections, having thereby the official functions and duties, among others, to supervise the initiation and completion of construction or maintenance projects under \$41,100, including, but not limited to, the bidding and awarding of contracts, and for overseeing the acquisition of services, contracts, supplies, materials and equipment for the Division of Operations within the New Jersey Department of Corrections; to perform his duties in a legal and proper manner; to display good faith, honesty and integrity; to be impervious to corrupting influences; and to conduct himself with undivided loyalty to his public trust, did assist in the submission of rigged bids to the New Jersey Department of Corrections by PRO GENERAL CONTRACTING, INC., and other entities whose identities are known to the Grand Jurors, and in otherwise using his influence over contracting procedures to steer contracts awarded by the New Jersey Department of Corrections to PRO GENERAL CONTRACTING, INC., SteelGrey, LLC, and another entity whose identity is known to the Grand Jurors, with the purpose to secure a benefit to himself or another in excess of \$200, 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 same.

COUNT SIX

(Pattern of Official Misconduct - Second Degree)

GERALD T. KENNEDY

between on or about December 19, 2002 and in or about March 2006, at the City of Trenton, in the County of Mercer, at the Township of Neptune, in the County of Monmouth, at the Borough of Oceanport, in the County of Monmouth, at the Borough of Union Beach, in the County of Monmouth, at the Township of Lakewood, in the County of Ocean, at the Borough of Point Pleasant, in the County of Ocean, and at the City of Elizabeth, in the County of Union, 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 and N.J.S.A. 2C:2-6, that is, the said GERALD T. KENNEDY, then and there being a public servant, to wit: Supervisor of the Construction & Facility Maintenance Unit, and later Assistant Director of the Division of Operations within the New Jersey Department of Corrections, having thereby the official functions and duties, among others, to supervise the initiation and completion of construction or maintenance projects under \$41,100, including, but not limited to, the bidding and awarding of contracts, and for overseeing the acquisition of services, contracts, supplies, materials and equipment for the Division of Operations within the New Jersey Department of Corrections; to refrain from receiving any benefit, arising from and in connection with, any person doing business with

his agency; to perform his duties in a legal and proper manner; to display good faith, honesty and integrity; to be impervious to corrupting influences; and to conduct himself with undivided loyalty to his public trust, the said GERALD T. KENNEDY 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 One, Two, Three, Four, Five, and Six, which allegations are incorporated by reference as if fully set forth 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.

COUNT SEVEN

(Bribery in Official Matters - Second Degree)

GERALD T. KENNEDY

between in or about September 2003 and continuing until in or about June 2005, at the City of Trenton, in the County of Mercer, at the Borough of Union Beach, in the County of Monmouth, and at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, knowingly solicited and accepted a benefit not allowed by law, that is, GERALD T. KENNEDY then and there being Supervisor of the Construction & Facility Maintenance Unit, and later Assistant Director of the Division of Operations, within the New Jersey Department of Corrections, did solicit and accept monetary payments in excess of \$200 from an individual whose identity is known to the Grand Jurors, whose company Pro General Contracting, Inc., was engaged in small capital projects for the New Jersey Department of Corrections, as consideration for the violation of his official duties as a public servant or as consideration for the performance of his official duties, contrary to the provisions of N.J.S.A. 2C:27-2c and N.J.S.A. 2C:27-2d, and against the peace of this State, the government and dignity of same.

COUNT EIGHT

(Bribery in Official Matters - Second Degree)

GERALD T. KENNEDY

between in or about August 2004 and in or about March 2006, at the City of Trenton, in the County of Mercer, at the Borough of Eatontown, in the County of Monmouth, at the Township of Neptune, in the County of Monmouth, and at the Borough of Point Pleasant, in the County of Ocean, elsewhere, and within the jurisdiction of this Court, knowingly solicited and accepted a benefit not allowed by law, that is, GERALD T. KENNEDY then and there being Supervisor of the Construction & Facility Maintenance Unit, and later Assistant Director of the Division of Operations, within the New Jersey Department of Corrections, did solicit and accept monetary payments in excess of \$200 from Alfred J. Canale, owner of an entity whose identity is known to the Grand Jurors, which was engaged in small capital projects for the New Jersey Department of Corrections, as consideration for the violation of his official duties as a public servant or as consideration for the performance of his official duties, contrary to the provisions of N.J.S.A. 2C:27-2c and N.J.S.A. 2C:27-2d, and against the peace of this State, the government and dignity of same.

COUNT NINE

(Money Laundering - Second Degree)

GERALD T. KENNEDY

and

PRO GENERAL CONTRACTING, INC.

between in or about September 2003 and continuing until in or about February 2006, at the City of Trenton, in the County of Mercer, at the Borough of Eatontown, in the County of Monmouth, at the Township of Neptune, in the County of Monmouth, at the Borough of Union Beach, in the County of Monmouth, at the Borough of Point Pleasant, in the County of Ocean, and at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, knowingly did engage in transactions in property known to be derived from criminal activity, namely official misconduct and bribery, in an amount in excess of \$75,000, knowing that the transactions were designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, contrary to the provisions of N.J.S.A. 2C:21-25b, 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 TEN

(Theft by Deception - Second Degree)

GERALD T. KENNEDY

and

PRO GENERAL CONTRACTING, INC.

between on or about August 14, 2003 and on or about March 10, 2005, at the City of Trenton, in the County of Mercer, at the Borough of Union Beach, in the County of Monmouth, and at the City of Elizabeth, in the County of Union, 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 GERALD T. KENNEDY and PRO GENERAL CONTRACTING, 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 as to the project experience of the said PRO GENERAL CONTRACTING, INC., that is, on or about December 19, 2002, the said GERALD T. KENNEDY purposely prepared and caused to be submitted to the Division of Property Management and Construction in the New Jersey Department of the Treasury a false, fraudulent or deceptive statement as to project experience for the said PRO GENERAL CONTRACTING, INC., as part of the request by the said PRO GENERAL CONTRACTING, INC., for classification in order to become eligible to bid and perform work on State contracts,

WHEREAS, in truth and in fact, as the said GERALD T. KENNEDY

and PRO GENERAL CONTRACTING, INC., well knew, the statement as to project experience which they caused to be submitted to the New Jersey Division of Property Management and Construction contained false information as to work previously performed by the said PRO GENERAL CONTRACTING, INC., contrary to N.J.S.A. 2C:20-4a, and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT ELEVEN

(False Representations for Government Contracts - Second Degree)

GERALD T. KENNEDY

and

PRO GENERAL CONTRACTING, INC.

on or about December 19, 2002, at the City of Trenton, in the County of Mercer, at the Borough of Union Beach, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, knowingly made material representations that were false in connection with the negotiation, award or performance of a government contract, that is, the said GERALD T. KENNEDY and PRO GENERAL CONTRACTING, INC., knowingly made false, material representations as to the project experience of the said PRO GENERAL CONTRACTING, INC., that is, on or about December 19, 2002, the said GERALD T. KENNEDY purposely prepared and caused to be submitted to the Division of Property Management and Construction in the New Jersey Department of the Treasury a false, fraudulent or deceptive statement as to project experience for the said PRO GENERAL CONTRACTING, INC., as part of the request by the said PRO GENERAL CONTRACTING, INC., for classification in order to become eligible to bid and perform work on State contracts, 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 and N.J.S.A. 2C:2-

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

COUNT TWELVE

(Misconduct by Corporate Official - Second Degree)

GERALD T. KENNEDY

between on or about December 19, 2002, and in or about June 2005, at the City of Trenton, in the County of Mercer, at the Borough of Union Beach, in the County of Monmouth, and at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, did knowingly use a corporation, that is, Pro General Contracting, Inc., a corporation of the State of New Jersey, for the furtherance of criminal objects, that is the crimes of Official Misconduct, in violation of N.J.S.A. 2C:30-2a, Pattern of Official Misconduct, in violation of N.J.S.A. 2C:30-7, Theft by Deception, in violation of N.J.S.A. 2C:20-4a, False Representation for a Government Contract, in violation of N.J.S.A. 2C:21-34b, and Conspiracy to commit the aforesaid crimes, in violation of N.J.S.A. 2C:5-2, 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 THIRTEEN

(Theft by Deception - Second Degree)

MARK STERMER

and

STEELGREY, LLC

between on or about April 22, 2004, and on or about November 3, 2005, at the Borough of Red Bank, and at the Borough of Highlands, in the County of Monmouth, 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 STEELGREY, LLC, and MARK STERMER, 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 as to the finances and project experience of the said STEELGREY, LLC, that is, on or about October 1, 2003, the said MARK STERMER, President of the said STEELGREY, LLC, purposely submitted to the Division of Property Management and Construction in the New Jersey Department of the Treasury a false, fraudulent or deceptive financial statement for the said STEELGREY, LLC, and a false, fraudulent or deceptive statement as to project experience for the said STEELGREY, LLC, as part of the request by the said STEELGREY, LLC, for classification in order to become eligible to bid and perform work on State contracts,

WHEREAS, in truth and in fact, as the said MARK STERMER and STEELGREY, LLC, well knew, the financial statement which they caused

to be submitted to the New Jersey Division of Property Management and Construction contained false information concerning the finances of the said STEELGREY, LLC, and the statement as to project experience which they caused to be submitted to the New Jersey Division of Property Management and Construction contained false information as to work previously performed by the said STEELGREY, LLC, contrary to N.J.S.A. 2C:20-4a, and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT FOURTEEN

(False Representations for Government Contracts - Second Degree)

MARK STERMER

and

STEELGREY, LLC,

on or about October 1, 2003, at the Borough of Red Bank, and at the Borough of Highlands, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, knowingly made material representations that were false in connection with the negotiation, award or performance of a government contract, that is, the said MARK STERMER and STEELGREY, LLC, knowingly made false, material representations as to the finances and project experience of the said STEELGREY, LLC, that is, on or about October 1, 2003, the said MARK STERMER, President of the said STEELGREY, LLC, purposely submitted to the Division of Property Management and Construction in the New Jersey Department of the Treasury a false, fraudulent or deceptive financial statement for the said STEELGREY, LLC, and a false, fraudulent or deceptive statement as to project experience for the said STEELGREY, LLC, as part of the request by the said STEELGREY, LLC, for classification in order to become eligible to bid and perform work on State contracts, 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

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

COUNT FIFTEEN

(Misconduct by Corporate Official - Second Degree)

MARK STERMER

between on or about October 1, 2003, and on or about November 3, 2005, at the Borough of Red Bank, and at the Borough of Highlands, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, did knowingly use a corporation, that is, SteelGrey, LLC, a corporation of the State of New Jersey, for the furtherance of criminal objects, that is the crimes of Official Misconduct, in violation of N.J.S.A. 2C:30-2a, Theft by Deception, in violation of N.J.S.A. 2C:20-4a, False Representation for a Government Contract, in violation of N.J.S.A. 2C:21-34b, and Conspiracy to commit the aforesaid crimes, in violation of N.J.S.A. 2C:5-2, 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 SIXTEEN

(Conspiracy - Second Degree)

GERALD T. KENNEDY

PRO GENERAL CONTRACTING, INC.

STEELGREY, LLC

and

MARK STERMER

and other persons whose identities are known to the Grand Jurors, who are named as coconspirators but not as defendants herein, at the City of Trenton, in the County of Mercer, at the Borough of Eatontown, in the County of Monmouth, at the Borough of Union Beach, in the County of Monmouth, at the Borough of Highlands, in the County of Monmouth, at the Township of Neptune, in the County of Monmouth, at the Borough of Oceanport, in the County of Monmouth, at the Borough of Red Bank, in the County of Monmouth, at the Borough of Union Beach, in the County of Monmouth, at the Township of Lakewood, in the County of Ocean, at the Borough of Point Pleasant, in the County of Ocean, and at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of Official Misconduct, Bribery in Official Matters, Money Laundering, 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. Official Misconduct, in that GERALD T. KENNEDY, being a public servant, acting with the purpose to obtain a benefit for himself or another in excess of \$200 or to injure or to deprive another of a benefit, did commit acts relating to his office, but constituting unauthorized exercises 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 and the said GERALD T. KENNEDY, then and there being a public servant, to wit: Supervisor of the Construction & Facility Maintenance Unit, and later Assistant Director of the Division of Operations within the New Jersey Department of Corrections, having thereby the official functions and duties, among others, to supervise the initiation and completion of construction or maintenance projects under \$41,100, including, but not limited to, the bidding and awarding of contracts, and for overseeing the acquisition of services, contracts, supplies, materials and equipment for the Division of Operations within the New Jersey Department of Corrections; to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, (1) the said GERALD T.

KENNEDY would accept monetary payments in excess of \$200 from an individual whose identity is known to the Grand Jurors, owner of PRO GENERAL CONTRACTING, INC., in exchange for GERALD T. KENNEDY helping said individual whose identity is known to the Grand Jurors obtain contracts for PRO GENERAL CONTRACTING, INC., from the New Jersey Department of Corrections; (2) the said GERALD T. KENNEDY would accept monetary payments in excess of \$200 from Alfred J. Canale, owner of an entity whose identity is known to the Grand Jurors, in exchange for GERALD T. KENNEDY helping Alfred J. Canale obtain contracts for an entity whose identity is known to the Grand Jurors, from the New Jersey Department of Corrections; (3) the said GERALD T. KENNEDY would assist STEELGREY, LLC, and MARK STERMER in knowingly making false, material representations as to the finances and project experience of the said STEELGREY, LLC, and would otherwise hide and conceal his interest and involvement in STEELGREY, LLC, in its application for classification by the New Jersey Division of Property Management and Construction so that STEELGREY, LLC, and MARK STERMER would become eligible to bid and perform work on contracts worth in excess of \$200 awarded by the New Jersey Department of Corrections; (4) the said GERALD T. KENNEDY would assist PRO GENERAL CONTRACTING, INC., in knowingly making false, material representations as to the project experience of the said PRO GENERAL CONTRACTING, INC., and would otherwise hide and conceal his interest and involvement in PRO GENERAL CONTRACTING,

INC., in its application for classification by the New Jersey Division of Property Management and Construction so that PRO GENERAL CONTRACTING, INC., would become eligible to bid and perform work on contracts worth in excess of \$200 awarded by the New Jersey Department of Corrections; and (5) the said GERALD T. KENNEDY would assist in the submission of rigged bids to the New Jersey Department of Corrections by PRO GENERAL CONTRACTING, INC., and other entities whose identities are known to the Grand Jurors, and in otherwise using his influence over contracting procedures to steer contracts awarded by the New Jersey Department of Corrections to PRO GENERAL CONTRACTING, INC., SteelGrey, LLC, and another entity whose identity is known to the Grand Jurors, contrary to the provisions of N.J.S.A. 2C:30-2;

2. Bribery in Official or Political Matters, in that one or more of them would knowingly directly or indirectly solicit, accept or agree to accept from another, or knowingly directly or indirectly offer, confer or agree to confer upon a public servant, a benefit, that is money in excess of \$200, as consideration for the violation of the said GERALD T. KENNEDY'S official duty as a public servant, that is, Supervisor of the Construction & Facility Maintenance Unit, and later as an Assistant Director of the Division of Operations within the New Jersey Department of Corrections, contrary to the provisions of N.J.S.A. 2C:27-2c and N.J.S.A. 2C:27-2d;

3. Money Laundering, in that one or more of them, would engage

in transactions involving property known to be derived from criminal activity, knowing that the transactions were designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, in violation of N.J.S.A. 2C:21-25b;

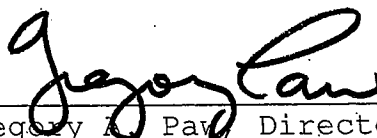
4. Theft by Deception, in that one or more of them would purposely obtain in excess of \$75,000 from the State of New Jersey, through the New Jersey Department of Corrections, by deception, that is, by creating or reinforcing a false impression as to the finances and project experience of companies in which they had an interest or involvement, so that the New Jersey Division of Property Management and Construction would deem those companies to be eligible to bid and perform work on contracts awarded by the New Jersey Department of Corrections, contrary to the provisions of N.J.S.A. 2C:20-4a;

5. False Representation for a Government Contract, in that one or more of them would knowingly make false, material representations as to the finances and project experience of companies in which they had an interest or involvement, in order for those companies to become eligible to bid and perform work on State contracts, 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; and

6. Misconduct by Corporate Official, in that one or more of


them 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.



Gregory J. Pav Director
Division of Criminal Justice

A TRUE BILL:



Deputy Foreperson

Dated: 3/27/08

UPERIOR COURT OF N.J. FILED
UPERIOR COURT OF N.J. REC'D

APR 03 2008

APR 02 2008

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

Christine P. Hyatt
Acting Clerk
Christine P. Hyatt
Acting Clerk

State Grand Jury
Number SGJ549-07-5
Superior Court
Docket Number 08-04-00054-S

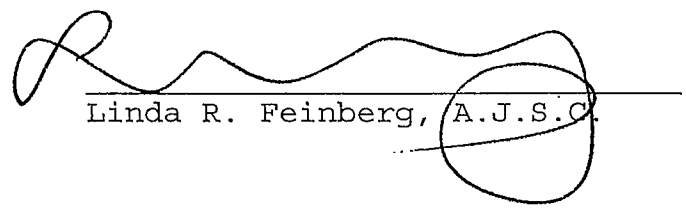
STATE OF NEW JERSEY)
v.)
GERALD T. KENNEDY)
PRO GENERAL CONTRACTING)
INC. a/k/a)
PRO PAINTING & GENERAL)
CONTRACTING)
STEELGREY, LLC)
and)
MARK STERMER)

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 2nd day of April, 2008, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Monmouth 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 Monmouth for filing.


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

SUPERIOR COURT OF N.J.
FILED

APR 03 2008

SUPERIOR COURT OF N.J.
REC'D

APR 02 2008

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

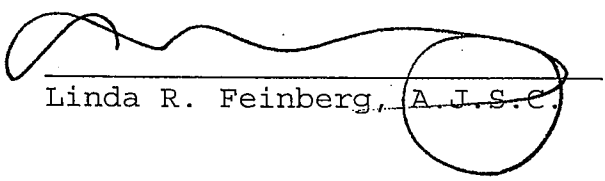
Christina P. Hyman
Acting Clerk *Christina P. Hyman*
Acting Clerk
IN THE MATTER OF
STATE GRAND JURY INDICTMENT
NUMBER SGJ549-07-5

ORDER TO SEAL INDICTMENT

Steven Zweig, Deputy Attorney General of the State of New Jersey, having on this date made written and oral application for an order to seal State Grand Jury Indictment Number SGJ549-07-5, and to seal an Order of Venue designating a county of venue for the purpose of trial of the said indictment,

IT IS ORDERED on this *2nd* day of *April*, 2008, that the Clerk of the Superior Court seal State Grand Jury Indictment Number SGJ549-07-5, and the Order of Venue designating a county of venue for the purpose of the trial of the said indictment.

IT IS FURTHER ORDERED that the Indictment and Order of Venue are to be unsealed only after the defendant, Gerald T. Kennedy, is arrested, or by order of this Court.


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

SUPERIOR COURT OF N.J.
FILED

APR 03 2008

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

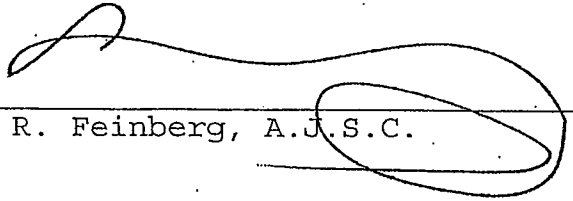
Christine P. Hynds
Acting Clerk

THE MATTER OF)
STATE GRAND JURY INDICTMENT)
NUMBER SGJ549-07-5)
STATE OF NEW JERSEY)
v.)
GERALD T. KENNEDY, ET AL.)

ORDER TO UNSEAL INDICTMENT

Steven Zweig, Deputy Attorney General of the State of New Jersey, having on this date made written and oral application for an order to unseal State Grand Jury Indictment Number SGJ549-07-5, and to unseal the Order of Venue designating a county of venue for the purpose of trial of the said Indictment;

IT IS HEREBY ORDERED on this *3rd* day of *April*, 2008, that the Clerk of the Superior Court unseal and release State Grand Jury Indictment Number SGJ549-07-5 and the Order of Venue designating a county of venue for the purpose of the trial of the said Indictment.



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

