

FILED

DEC 11 2008

**SUPERIOR COURT
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ564-08-3

Superior Court
Docket Number 08-12-00272-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

MELVYN NEISHLOSS)

and)

SUPERIOR COMBUSTION)
OF NJ, INC.)

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

COUNT ONE

(Unlawful Speculation on Official
Action or Information - Second Degree)

MELVYN NEISHLOSS

and

SUPERIOR COMBUSTION OF NJ, INC.,

between in or about December 1997, and in or about March 2004, at
the City of Newark, and at the Township of Cedar Grove, both in
the County of Essex, at the Township of Howell, in the County of
Monmouth, at the Township of Edison, in the County of Middlesex,
elsewhere, and within the jurisdiction of this Court, in
contemplation of official action by a governmental unit with
which the said MELVYN NEISHLOSS and SUPERIOR COMBUSTION OF NJ,
INC., had been associated, namely the Essex County Department of

Public Works, or in reliance on information to which MELVYN NEISHLOSS and SUPERIOR COMBUSTION OF NJ, INC., had access to in an official capacity and which has not been made public, knowingly did acquire a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official; did speculate on the basis of such information or official action; or did aid another to acquire a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official, to speculate on the basis of such information or official action, while in office or after leaving office with the purpose of using such information, thereby acquiring a benefit, or having sought to acquire a benefit of a value of more than \$200.00, that is, the said MELVYN NEISHLOSS and SUPERIOR COMBUSTION OF NJ, INC., acting in the capacity as consultant/advisor to the Essex County Department of Public Works concerning capital improvement projects and thereby undertaking such actions including but not limited to drafting and providing project specifications utilized by the Essex County Department of Public Works and thereby having access to project specifications prior to their disclosure to the public as part of the open public bidding process, did, in advance of the public release date, disclose and provide access to said project specifications to manufacturers and others with whom MELVYN NEISHLOSS and SUPERIOR COMBUSTION OF NJ, INC., had

direct, contractual interests to derive financial benefits from said public projects, thereby attaining an undue commercial advantage in the public bidding process and the award of public capital improvement projects for MELVYN NEISHLOSS and SUPERIOR COMBUSTION OF NJ, INC., and other manufacturers in an amount in excess of \$200.00, contrary to the provisions of N.J.S.A. 2C:30-3, 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

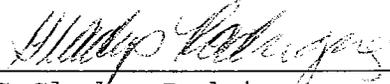
(Official Misconduct - Second Degree)

MELVYN NEISHLOSS

between in or about December 1997, and in or about March 2004, at the City of Newark, and at the Township of Cedar Grove, both in the County of Essex, at the Township of Howell, in the County of Monmouth, at the Township of Edison, in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, the said MELVYN NEISHLOSS being a public servant, with purpose to obtain a benefit for himself or another in an amount in excess of \$200.00, did commit an act relating to said public office but constituting an unauthorized exercise of the said MELVYN NEISHLOSS's official functions, knowing such act to be unauthorized or did commit such act in an unauthorized manner; or knowingly did refrain from performing a duty imposed by law or which is clearly inherent in the nature of said public office, that is, the said MELVYN NEISHLOSS, a public servant performing and providing essential government services in the capacity of consultant and advisor for the Essex County Department of Public Works concerning various capital improvement projects thereby having the power to exercise public authority, and the official functions and duties, among others, to provide consultation and advice to the County of Essex concerning public capital improvement projects for the public benefit that is impartial and not in conflict with personal

financial interests in said projects, to display good faith, honesty and integrity, to transact government business openly, in light of public scrutiny consistent with the public bidding process, and to be impervious to corrupting influences; to refrain from engaging in private business transactions for personal profit that accrue from or that are directly affected by the performance of his official duties or authority he had undertaken as a public servant, to refrain from using or disclosing non-public information gained in the performance of his public servant duties for his personal financial benefit or the financial benefit of others, that is, the said MELVYN NEISHLOSS did draft and provide project specifications that were essential for capital improvement projects for the County of Essex which were used in the public bidding process and did, in advance of the public release date, disclose and provide access to said project specifications to manufacturers and others with whom MELVYN NEISHLOSS and SUPERIOR COMBUSTION OF NJ, INC., had direct, contractual interests to derive financial benefits from said public projects; and did further render decisions, give opinions, make recommendations to and on behalf of the County of Essex concerning the awarding and implementation of said contracts wherein those decisions, opinions, and recommendations had direct bearing on the private contractual interests to derive financial benefits from said public projects between MELVYN

NEISHLOSS and Superior Combustion of NJ, Inc., and other manufacturers and others, 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 the same.



AAG Gladys Rodríguez
Acting Director

A TRUE BILL:



Foreperson

Dated: 12/11/08

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

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STATE OF NEW JERSEY)

v.)

ORDER OF VENUE

MELVYN NEISHLOSS)

and)

SUPERIOR COMBUSTION,)
OF NJ., INC.

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

IT IS ORDERED on this 11th day of December, 2008, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Essex 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 Essex for filing.



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