

**FILED**

AUG 05 2009

**SUPERIOR COURT  
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ578-09-2

Superior Court

Docket Number 09-08-00163-S

STATE OF NEW JERSEY )

v. )

INDICTMENT

JOSEPH R. DOUGHERTY )

and )

BRIAN P. CURRAN )

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

COUNT ONE

(Official Misconduct - Second Degree)

JOSEPH R. DOUGHERTY

and

BRIAN CURRAN

between on or about November 21, 2001 and on or about January 2, 2009, at the City of Atlantic City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the offense, did aid therein, or did commit the offense of official misconduct, in that the said JOSEPH R. DOUGHERTY, with purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit in excess of \$200, did commit 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, and the said JOSEPH R. DOUGHERTY, then and there being a public servant, to wit: an Atlantic City Deputy City Solicitor and Counsel to the City of Atlantic City, having thereby the official functions and duties, among others, (a) to not engage in a business transaction or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest when he or an immediate family member has an interest; (b) to not use or attempt to use his official position to secure unwarranted privileges for himself or others; (c) to not act in an official capacity in any matter where he, a member of his immediate family or business organization in which he has interest has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment in exercise of his official functions; (d) to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences; with purpose to secure a benefit in excess of \$200 for himself and for the said BRIAN P. CURRAN, his business partner, did approve Resolution No. 794 of the City of Atlantic City on or about November 21, 2001, authorizing the receipt of bids for Tax Sale Certificates 939998 and 939999, and did prepare Assignments of Tax Sale Certificates 939998 and

939999 on or about January 31, 2002, authorizing the assignment of the said Tax Certificates 939998 and 939999 to the said BRIAN P. CURRAN, despite an affirmative duty to recuse himself as a result of his business affiliation with the said BRIAN P. CURRAN as members of Bryce Madison, LLC, a New Jersey domestic limited liability company, to wit: (1) on or about November 21, 2001, the said JOSEPH R. DOUGHERTY, in his capacity as Deputy City Solicitor for the City of Atlantic City, did approve as to form and legality Resolution 794 of the City of Atlantic City, which resolution authorized the acceptance of bids for assignments of said Tax Certificates 939998 and 939999; (2) on or about January 27, 2002 and on or about January 29, 2002, the said BRIAN P. CURRAN did cause checks in the total amount of \$4,000 to be paid to the City of Atlantic City for the assignments of said Tax Certificates 939998 and 939999; (3) on or about January 31, 2002, the said JOSEPH R. DOUGHERTY, in his capacity as Deputy City Solicitor, did prepare the Assignment for Tax Sale Certificate 939998, granting same to the said BRIAN P. CURRAN; (4) on or about January 31, 2002, the said JOSEPH R. DOUGHERTY, in his capacity as Deputy City Solicitor, did prepare the Assignment for Tax Sale Certificate 939999, granting same to the said BRIAN P. CURRAN; (5) on or about April 14, 2004, the said BRIAN P. CURRAN through his attorneys did file a Notice of Lis Pendens in the Superior Court of New Jersey, Chancery Division, to foreclose redemption of Tax Sale Certificates

939998 and 939999 and to secure title to the properties described therein, namely Block 304, Lots 23 and 24, located at 18 North Connecticut Avenue, at the City of Atlantic City; (6) on or about May 30, 2005, the said JOSEPH R. DOUGHERTY, on behalf of and with knowledge of the said BRIAN P. CURRAN, did negotiate with the Atlantic City Special Improvement District regarding the lease of said properties located at Block 304, Lots 23 and 24, at the City of Atlantic City; (7) on or about April 27, 2006, the said JOSEPH R. DOUGHERTY did direct that lease payments from the Atlantic City Special Improvement District, for the said properties located at Block 304, Lots 23 and 24, at the City of Atlantic City, be made payable to the said Bryce Madison, LLC; (8) on or about on or about January 7, 2009, the said BRIAN P. CURRAN and the said Bryce Madison, LLC, did cause to be filed and recorded with the Clerk of Atlantic County a Memorandum of Agreement of Sale of Block 304, Lots 23 and 24, located at the City of Atlantic City, to Somerset Realty Company; (9) on or about December 30, 2008, the said JOSEPH R. DOUGHERTY did cause to be filed and recorded with the Atlantic County Clerk a deed transferring the said Block 304, Lots 23 and 24, in the City of Atlantic City, to Somerset Realty Company for the sum of \$110,000; and (10) on or about January 2, 2009, the said BRIAN P. CURRAN did issue checks in the approximate amount of \$89,700 made payable to himself and to the said JOSEPH R. DOUGHERTY from Account 9071024819 at Wachovia Securities, which account was

established by the said BRIAN P. CURRAN and the said JOSEPH R. DOUGHERTY, contrary to the provisions of N.J.S.A. 2C:30-2a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Official Misconduct - Second Degree)

JOSEPH R. DOUGHERTY

and

BRIAN CURRAN

between on or about December 7, 2005 and on or about December 30, 2008, at the City of Atlantic City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the offense, did aid therein, or did commit the offense of official misconduct, in that the said JOSEPH R. DOUGHERTY, with purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit in excess of \$200, did commit 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, and the said JOSEPH R. DOUGHERTY, then and there being a public servant, to wit: Counsel to the City of Atlantic City, having thereby the official functions and duties, among others, (a) to not engage in a business transaction or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest when he or an immediate family member has an interest; (b) to not use or attempt to use his official position to secure unwarranted privileges for himself or others; (c) to not act in an

official capacity in any matter where he, a member of his immediate family or business organization in which he has interest has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment in exercise of his official functions; (d) to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences; with purpose to secure a benefit in excess of \$200 for himself and for the said BRIAN P. CURRAN, his business partner, did prepare Resolution No. 971 of the City of Atlantic City on or about December 7, 2005, authorizing the receipt of bids for Tax Sale Certificate 03-325, and did prepare Assignment of Tax Sale Certificate 03-325 on or about December 31, 2005, authorizing the assignment of the said Tax Sale Certificate 03-325 to the said BRIAN P. CURRAN, despite an affirmative duty to recuse himself as a result of his business affiliation with the said BRIAN P. CURRAN as members of Bryce Madison, LLC, a New Jersey domestic limited liability company, to wit: (1) on or about December 7, 2005, the said JOSEPH R. DOUGHERTY, in his official capacity as Counsel to the City of Atlantic City, did prepare Resolution No. 971 of the City of Atlantic City authorizing the sale of said Tax Sale Certificate 03-325; (2) on or about December 30, 2005, the said BRIAN P. CURRAN did cause to be issued ABCO Federal Credit Union Cashier's Check 1179150 to the City of Atlantic City as payment to

acquire Tax Sale Certificate 03-325; (3) on or about December 31, 2005, the said JOSEPH R. DOUGHERTY, in his official capacity as Counsel to the City of Atlantic City, did prepare the Assignment of Tax Sale Certificate 03-325, granting same to the said BRIAN P. CURRAN; (4) on or about March 21, 2006, the said BRIAN P. CURRAN did cause to be filed a Notice of Lis Pendens in the Superior Court of New Jersey, Chancery Division, to foreclose redemption of Tax Sale Certificate 03-0325 and to secure title to the property described therein, namely Block 383, Lot 3, located at 258 North Nevada Avenue, at the City of Atlantic City; (5) on or about June 4, 2008, the said BRIAN P. CURRAN did cause to be filed and recorded with the Atlantic County Clerk a deed transferring the said Block 383, Lot 3, at the City of Atlantic City, to SJ Financial Corporation for the sum of \$20,000; and (6) on or about May 29, 2008, the said BRIAN P. CURRAN, did cause Check 12050, in the amount of \$18,465.28 and drawn from Commerce Bank Account 7855192519, to be deposited into Account 9071024819 at Wachovia Securities, which account was established by the said BRIAN P. CURRAN and the said JOSEPH R. DOUGHERTY; and (7) between on or about June 6, 2008 and on or about December 30, 2008, the said BRIAN P. CURRAN did issue checks in the approximate amount of \$17,600 made payable to himself and to the said JOSEPH R. DOUGHERTY from Account 9071024819 at Wachovia Securities, which account was established by the said BRIAN P. CURRAN and the said JOSEPH R.



DOUGHERTY, contrary to the provisions of N.J.S.A. 2C:30-2a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Official Misconduct - Second Degree)

JOSEPH R. DOUGHERTY

and

BRIAN CURRAN

between on or about November 1, 2006 and on or about December 30, 2008, at the City of Atlantic City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the offense, did aid therein, or did commit the offense of official misconduct, in that the said JOSEPH R. DOUGHERTY, with purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit in excess of \$200, did commit 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, and the said JOSEPH R. DOUGHERTY, then and there being a public servant, to wit: Counsel to the City of Atlantic City, having thereby the official functions and duties, among others, (a) to not engage in a business transaction or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest when he or an immediate family member has an interest; (b) to not use or attempt to use his official position to secure unwarranted privileges for himself or others; (c) to not act in an

official capacity in any matter where he, a member of his immediate family or business organization in which he has interest has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment in exercise of his official functions; (d) to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences; with purpose to secure a benefit in excess of \$200 for himself and for the said BRIAN P. CURRAN, his business partner, did prepare Resolution No. 856 of the City of Atlantic City on or about November 1, 2006, authorizing the receipt of bids for Tax Sale Certificate 201266, and did prepare Assignment of Tax Sale Certificate 201266 on or about December 14, 2005, authorizing the assignment of the said Tax Sale Certificate 201266 to the said BRIAN P. CURRAN, despite an affirmative duty to recuse himself as a result of his business affiliation with the said BRIAN P. CURRAN as members of Bryce Madison, LLC, a New Jersey domestic limited liability company, to wit: (1) on or about November 1, 2006, the said JOSEPH R. DOUGHERTY, in his official capacity as Counsel to the City of Atlantic City, did prepare Resolution No. 856 of the City of Atlantic City authorizing the sale of said Tax Sale Certificate 201266; (2) on or about November 29, 2006, the said BRIAN P. CURRAN did place a high bid for assignment of the tax sale certificate assessed by the Tax Collector City of Atlantic City to

Block 304, Lot 37, located at 21 North New Jersey Avenue, at the City of Atlantic City; (3) on or about December 7, 2006, the said JOSEPH R. DOUGHERTY, in his official capacity as Counsel to the City of Atlantic City, did prepare Resolution No. 1031 of the City of Atlantic City authorizing acceptance of the bid made by the said BRIAN P. CURRAN for assignment of the tax sale certificate assessed by the Tax Collector City of Atlantic City to Block 304, Lot 37, located at 21 North New Jersey Avenue, at the City of Atlantic City; (4) on or about December 14, 2006, the said JOSEPH R. DOUGHERTY, in his official capacity as Counsel to the City of Atlantic City, did prepare Assignment of Tax Sale Certificate 201266, granting same to the said Bryce Madison, LLC; (5) on or about May 15, 2007, the said BRIAN P. CURRAN did cause to be filed a Notice of Lis Pendens in the Superior Court of New Jersey, Chancery Division, to foreclose redemption of Tax Sale Certificate 201266 and to secure title to the property described therein, namely Block 304, Lot 37, located at the City of Atlantic City; and (6) on or about January 7, 2009, the said BRIAN P. CURRAN and the said Bryce Madison, LLC, did cause to be filed and recorded with the Clerk of Atlantic County a Memorandum of Agreement of Sale of Block 304, Lot 37, located at the City of Atlantic City, to Somerset Realty Company, contrary to the provisions of N.J.S.A. 2C:30-2a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Misconduct by Corporate Official - Second Degree)

JOSEPH R. DOUGHERTY

and

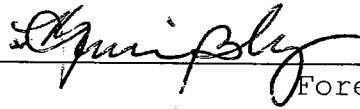
BRIAN P. CURRAN

between on or about December 3, 2002 and on or about January 7, 2009, at the City of Ventnor City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, purposely or knowingly did use, control and operate a corporation, that is, Bryce Madison, LLC, a New Jersey domestic limited liability company, for the furtherance or promotion of a criminal object, thereby deriving a benefit of \$75,000 or more, that is, the said JOSEPH R. DOUGHERTY, Member and Registered Agent of the said Bryce Madison, LLC, and the said BRIAN P. CURRAN, Managing Member of the said Bryce Madison, LLC, did use, control and operate said corporation for the furtherance or promotion of the criminal objects of official misconduct, in violation of N.J.S.A. 2C:30-2a, and did derive therefrom a benefit in excess of \$75,000, 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.

  
DEBORAH L. GRAMICCIONI, Director  
Division of Criminal Justice

TRUE BILL:

  
Foreperson

Date: 7/29/09

**FILED**

AUG 05 2009

**SUPERIOR COURT  
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

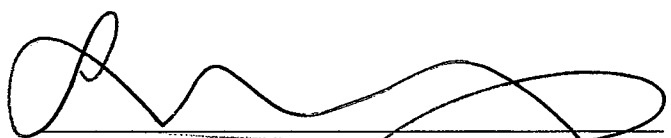
State Grand Jury  
Number SGJ578-09-2  
Superior Court  
Docket Number 09-08-00163-S

STATE OF NEW JERSEY     )  
                                  v.                                    )                   ORDER OF VENUE  
JOSEPH R. DOUGHERTY     )  
                                  and                                    )  
BRIAN P. CURRAN         )

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

IT IS ORDERED on this *JR* day of *August*, 2009, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Atlantic 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 Atlantic for filing.

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