

FILED

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

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MAR 07 2012

State Grand Jury Judge

State Grand Jury
Number SGJ618-12-3

FEB 29 2012

Superior Court
Docket Number 12-02-00033-S

THOMAS W. SUMNERS, JR., J.S.C.

STATE OF NEW JERSEY)	
v.)	INDICTMENT
WAYNE DUNICH KOLB,)	
JADRAN SERVICES CORP.)	
and)	
DUNICH-KOLB LLC)	

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

COUNT ONE

(Theft by Failure to Make Required Disposition
of Property Received - Second Degree)

WAYNE DUNICH KOLB,
JADRAN SERVICES CORP.,

and

DUNICH-KOLB LLC

between on or about January 22, 2003 and on or about July 31, 2009, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain or retain property having a value of \$75,000 or more, upon agreement

or subject to a known legal obligation to make specified payment or other disposition of such property, did deal with said property as their own and did fail to make the required payment or disposition, that is, the said WAYNE DUNICH KOLB; JADRAN SERVICES CORP., a New Jersey Corporation; and DUNICH-KOLB LLC., a foreign limited liability company, did purposely obtain or retain funds received for the purpose of payment of taxes, in the approximate amount of \$129,278.73, and did deal with said funds as their own and did fail to make the required payment or disposition to the State of New Jersey - Department of the Treasury, Division of Taxation, contrary to the provisions of N.J.S.A. 2C:20-9, N.J.S.A. 2C:2-7 and N.J.S.A. 2C:20-2b(4), and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Theft by Failure to Make Required Disposition of Property
Received - Third Degree)

WAYNE DUNICH KOLB

JADRAN SERVICES CORP.,

and

DUNICH-KOLB LLC

between on or about February 22, 2006 and on or about July 31, 2008, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain or retain property having a value of \$500 or more, upon agreement or subject to a known legal obligation to make specified payment or other disposition of such property, did deal with said property as their own and did fail to make the required payment or disposition, that is, the said WAYNE DUNICH KOLB, JADRAN SERVICES CORP., a New Jersey Corporation; and DUNICH-KOLB LLC., a foreign limited liability company, did purposely obtain or retain funds received for the purpose of payment of taxes, in the approximate amount of \$7,151.47 or more, and did deal with said funds as their own and did fail to make the required payment or disposition to the State of New York, contrary to the provisions of N.J.S.A. 2C:20-9, N.J.S.A. 2C:2-7 and N.J.S.A. 2C:20-2b(4), and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Theft by Failure to Make Required Disposition of Property
Received - Third Degree)

WAYNE DUNICH KOLB

JADRAN SERVICES CORP.,

and

DUNICH-KOLB LLC

between on or about November 2, 2004 and on or about May 15, 2009, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain or retain property having a value of \$500 or more, upon agreement or subject to a known legal obligation to make specified payment or other disposition of such property, did deal with said property as their own and did fail to make the required payment or disposition, that is, the said WAYNE DUNICH KOLB, did purposely obtain or retain funds received, in the approximate amount of \$53,358.87 or more, and did deal with said funds as their own and did fail to make the required payment or disposition to the United States - Department of the Treasury, Internal Revenue Service, contrary to the provisions of N.J.S.A. 2C:20-9, N.J.S.A. 2C:2-7 and N.J.S.A. 2C:20-2b(4), and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Financial Facilitation of Criminal Activity - Second Degree)

WAYNE DUNICH KOLB

JADRAN SERVICES CORP.,

and

DUNICH-KOLB LLC

between on or about January 22, 2003 and on or about July 31, 2009, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did engage in a transaction involving property in excess of \$75,000, known or which a reasonable person would believe to be derived from criminal activity, knowing that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, that is the said WAYNE DUNICH KOLB did engage in the transactions of negotiating or depositing checks made payable to the States of New Jersey and New York and to the Internal Revenue Service, through bank accounts maintained on behalf of Jadran Services Corp., a New Jersey Domestic Corporation, and Dunich-Kolb LLC, a New Jersey foreign limited liability company, involving an amount in excess of \$75,000, known to be derived from criminal activity, knowing that the transactions were designed in whole or in part to conceal the location, ownership and control of the property which he knew to

be derived from criminal activity, contrary to the provisions of N.J.S.A. 2C:21-25b(2) (a) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Misconduct by a Corporate Official - Second Degree)

WAYNE DUNICH KOLB

between on or about January 22, 2003 and on or about July 31, 2009, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did purposely or knowingly use, control or operate a corporation for the furtherance of a criminal object, thereby deriving a benefit of \$75,000 or more; that is, the said WAYNE DUNICH KOLB, did use, control or operate Jadran Services Corp., a New Jersey Domestic Corporation, and Dunich-Kolb LLC, a New Jersey foreign limited liability company, for the furtherance or promotion of the criminal objects of Theft by Failure to Make Required Disposition of Property Received, in violation of N.J.S.A. 2C:20-9; and Financial Facilitation of Criminal Activity, in violation of N.J.S.A. 2C:21-25(b)(2)(a); contrary to the provisions of N.J.S.A. 2C:21-9(c) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Failure to File Gross Income Tax Return - Third Degree)

WAYNE DUNICH KOLB

on or about April 15, 2007, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did fail to file tax returns or reports as required by the provisions of any State tax law with the intent to defraud the State or to evade, avoid or otherwise not make timely payment of any tax, fee, penalty, interest or any part thereof due pursuant to the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., that is, the said WAYNE DUNICH KOLB, did fail to file a gross income tax return, FORM NJ-1040, required to be filed pursuant to the provisions of N.J.S.A. 54A:8-1, with the intent to defraud or evade payment or any part thereof New Jersey gross income tax, for the tax year ending 2006 to the Director of the Division of Taxation in the Department of the Treasury of the State of New Jersey, contrary to the provisions of N.J.S.A. 54:52-8, and against the peace of the State, the government and dignity of the same.

COUNT SEVEN

(Failure to File Gross Income Tax Return - Third Degree)

WAYNE DUNICH KOLB

on or about April 15, 2008, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did fail to file tax returns or reports as required by the provisions of any State tax law with the intent to defraud the State or to evade, avoid or otherwise not make timely payment of any tax, fee, penalty, interest or any part thereof due pursuant to the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., that is, the said WAYNE DUNICH KOLB, did fail to file a gross income tax return, FORM NJ-1040, required to be filed pursuant to the provisions of N.J.S.A. 54A:8-1, with the intent to defraud or evade payment or any part thereof New Jersey gross income tax, for the tax year ending 2007 to the Director of the Division of Taxation in the Department of the Treasury of the State of New Jersey, contrary to the provisions of N.J.S.A. 54:52-8, and against the peace of the State, the government and dignity of the same.

COUNT EIGHT

(Failure to File Gross Income Tax Return - Third Degree)

WAYNE DUNICH KOLB

on or about April 15, 2009, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did fail to file tax returns or reports as required by the provisions of any State tax law with the intent to defraud the State or to evade, avoid or otherwise not make timely payment of any tax, fee, penalty, interest or any part thereof due pursuant to the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., that is, the said WAYNE DUNICH KOLB, did fail to file a gross income tax return, FORM NJ-1040, required to be filed pursuant to the provisions of N.J.S.A. 54A:8-1, with the intent to defraud or evade payment or any part thereof New Jersey gross income tax, for the tax year ending 2008 to the Director of the Division of Taxation in the Department of the Treasury of the State of New Jersey, contrary to the provisions of N.J.S.A. 54:52-8, and against the peace of the State, the government and dignity of the same.

COUNT NINE

(Failure to File Gross Income Tax Return - Third Degree)

WAYNE DUNICH KOLB

on or about April 15, 2010, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did fail to file tax returns or reports as required by the provisions of any State tax law with the intent to defraud the State or to evade, avoid or otherwise not make timely payment of any tax, fee, penalty, interest or any part thereof due pursuant to the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 *et seq.*, that is, the said WAYNE DUNICH KOLB, did fail to file a gross income tax return, FORM NJ-1040, required to be filed pursuant to the provisions of N.J.S.A. 54A:8-1, with the intent to defraud or evade payment or any part thereof New Jersey gross income tax, for the tax year ending 2009 to the Director of the Division of Taxation in the Department of the Treasury of the State of New Jersey, contrary to the provisions of N.J.S.A. 54:52-8, and against the peace of the State, the government and dignity of the same.

COUNT TEN

(Failure to File Gross Income Tax Return - Third Degree)

WAYNE DUNICH KOLB

on or about April 15, 2011, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did fail to file tax returns or reports as required by the provisions of any State tax law with the intent to defraud the State or to evade, avoid or otherwise not make timely payment of any tax, fee, penalty, interest or any part thereof due pursuant to the provisions of the State Uniform Tax Procedure Law, N.J.S.A.

54:48-1 et seq., that is, the said WAYNE DUNICH KOLB, did fail to file a gross income tax return, FORM NJ-1040, required to be filed pursuant to the provisions of N.J.S.A. 54A:8-1, with the intent to defraud or evade payment or any part thereof New Jersey gross income tax, for the tax year ending 2010 to the Director of the Division of Taxation in the Department of the Treasury of the State of New Jersey, contrary to the provisions of N.J.S.A.

54:52-8, and against the peace of the State, the government and dignity of the same.

COUNT ELEVEN

(Theft by Deception - Third Degree)

WAYNE DUNICH KOLB

on or about August 25, 2007, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain by deception property of the State of New Jersey valued in excess of \$500, that is, the said WAYNE DUNICH KOLB purposely did obtain a 2006 New Jersey Homestead Rebate in the amount of \$2,000 or more, by submitting or causing to be submitted an application to the State of New Jersey, Department of the Treasury - Division of Taxation, stating the said WAYNE DUNICH KOLB was eligible for the 2006 homestead rebate;

WHEREAS IN TRUTH AND IN FACT, as the said WAYNE DUNICH KOLB then and there well knew, he was not eligible to receive said homestead rebate, contrary to the provisions of N.J.S.A. 2C:20-4, and against the peace of this State, the government and dignity of the same.

COUNT TWELVE

(Theft by Deception - Third Degree)

WAYNE DUNICH KOLB

on or about August 22, 2008, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain by deception property of the State of New Jersey valued in excess of \$500, that is, the said WAYNE DUNICH KOLB purposely did obtain a 2007 New Jersey Homestead Rebate in the amount of \$2,000 or more, by submitting or causing to be submitted an application to the State of New Jersey, Department of the Treasury - Division of Taxation, stating the said WAYNE DUNICH KOLB was eligible for the 2007 homestead rebate;

WHEREAS IN TRUTH AND IN FACT, as the said WAYNE DUNICH KOLB then and there well knew, he was not eligible to receive said homestead rebate, contrary to the provisions of N.J.S.A. 2C:20-4, and against the peace of this State, the government and dignity of the same.

COUNT THIRTEEN

(Theft by Deception - Third Degree)

WAYNE DUNICH KOLB

on or about August 22, 2009, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain by deception property of the State of New Jersey valued in excess of \$500, that is, the said WAYNE DUNICH KOLB purposely did obtain a 2008 New Jersey Homestead Rebate in the amount of \$2,000 or more, by submitting or causing to be submitted an application to the State of New Jersey, Department of the Treasury - Division of Taxation, stating the said WAYNE DUNICH KOLB was eligible for the 2008 homestead rebate;

WHEREAS IN TRUTH AND IN FACT, as the said WAYNE DUNICH KOLB then and there well knew, he was not eligible to receive said homestead rebate, contrary to the provisions of N.J.S.A. 2C:20-4, and against the peace of this State, the government and dignity of the same.

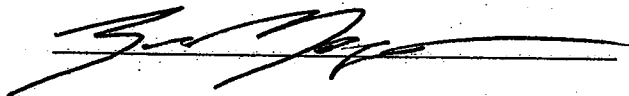
COUNT FOURTEEN

(Theft by Deception - Third Degree)

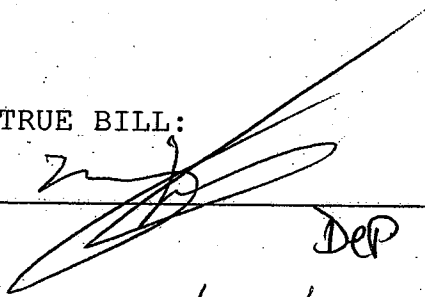
WAYNE DUNICH KOLB

between on or about October 22, 2010, at the Borough of Saddle River, in the County of Bergen, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain by deception property of the State of New Jersey valued in excess of \$500, that is, the said WAYNE DUNICH KOLB purposely did obtain a 2009 New Jersey Homestead Rebate in the amount of \$2,000 or more, by submitting or causing to be submitted an application to the State of New Jersey, Department of the Treasury - Division of Taxation, stating the said WAYNE DUNICH KOLB was eligible for the 2009 homestead rebate;

WHEREAS IN TRUTH AND IN FACT, as the said WAYNE DUNICH KOLB then and there well knew, he was not eligible to receive said homestead rebate, contrary to the provisions of N.J.S.A. 2C:20-4, and against the peace of this State, the government and dignity of the same.


Boris Moczula, Deputy Director
Division of Criminal Justice

A TRUE BILL:



Dep, Foreperson

Dated: 2/29/12

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THOMAS W. SUMNERS, JR., J.S.C.

State Grand Jury Judge SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL


State Grand Jury
Number SGJ618-12-3
Superior Court
Docket Number 12-02-00033-S

STATE OF NEW JERSEY)	
)	ORDER OF VENUE
v.)	
WAYNE DUNICH KOLB)	
JADRAN SERVICES CORP.)	
and)	
DUNICH-KOLB LLC)	

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

IT IS ORDERED on this *29th* day of *February*, 2012, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Mercer 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 Mercer for filing.


Thomas W. Sumners, Jr., J.S.C.