

FILED

JUN 20 2012

State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ 623-12-3

Superior Court

Docket Number 12-06-00126-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

FRANK RIZZO)

MICHAEL KOUVARAS)

and)

DEUTERON CAPITAL, LLC)

d/b/a)

SOUTH STREET FILLIT RECYCLING)

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

COUNT ONE

(Conspiracy-Second Degree)

FRANK RIZZO
MICHAEL KOUVARAS

and

DEUTERON CAPITAL, LLC
d/b/a

SOUTH STREET FILLIT RECYCLING

between on or about August 6, 2010, and on or about March 28, 2011, at the Township of Riverside, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of Unlawful Release of a Toxic Pollutant and Violation of the

Asbestos Control and Licensing Act, did conspire and agree that:

A. 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

B. One or more of them would aid in the planning, attempt, solicitation or commission of said crimes, that is:

1. Unlawful Release of a Toxic Pollutant, in that they would purposely or knowingly cause the unlawful release of a toxic pollutant, asbestos, a listed toxic pollutant under N.J.A.C. 7:14 Appendix A Table V, contrary to N.J.S.A. 2C:17-2a(2);

2. Abandonment of Toxic Pollutants, in that they would purposely or knowingly cause the unlawful abandonment of bags containing asbestos, a listed toxic pollutant under N.J.A.C. 7:14A-4 Appendix A Table V, contrary to N.J.S.A. 2C:17-2a(2);

3. Violation of the Asbestos Control and Licensing Act, in that they would knowingly perform, directly or indirectly, asbestos removal without first obtaining a license from the Commissioner of Labor to perform such work, as required by N.J.S.A. 34:5A-36, contrary to N.J.S.A. 34:5A-41;

All in violation of the provisions of N.J.S.A. 2C:5-2, N.J.S.A. 2C:2-6, N.J.S.A. 2C:2-7 and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Unlawful Release of a Toxic Pollutant - Second Degree)

FRANK RIZZO
MICHAEL KOUVARAS
and
DEUTERON CAPITAL, LLC
d/b/a
SOUTH STREET FILLIT RECYCLING

between on or about August 6, 2010, and on or about March 28, 2011, at the Township of Riverside, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, purposely or knowingly did cause the unlawful release of a toxic pollutant, that is, asbestos, a listed toxic pollutant under N.J.A.C. 7:14A-4 Appendix A Table V, at the former Zurbrugg Memorial Hospital, located at 126 Zurbrugg Way in Riverside, New Jersey, contrary to the provisions of N.J.S.A. 2C:17-2a(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.

COUNT THREE

(Abandonment of Toxic Pollutants - Second Degree)

FRANK RIZZO

MICHAEL KOUVARAS

and

DEUTERON CAPITAL, LLC

d/b/a

SOUTH STREET FILLIT RECYCLING


between on or about August 6, 2010 and on or about March 28, 2011, at the Township of Riverside, in the County of Burlington, elsewhere, and within the jurisdiction of this Court, did purposely or knowingly cause the unlawful abandonment of toxic pollutants, that is abandoning bags containing asbestos, a listed toxic pollutant under N.J.A.C. 7:14A-4 Appendix A Table V, at the former Zurbrugg Memorial Hospital located at 126 Zurbrugg Way in Riverside, New Jersey, contrary to N.J.S.A. 2C:17-2a(2), N.J.S.A. 2C:5-2, N.J.S.A. 2C:2-7 and N.J.S.A. 2C:2-6, and against the peace of this State, the Government and dignity of the same.

COUNT FOUR

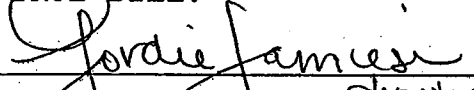
(Violation of the Asbestos Control and
Licensing Act - Third Degree)

FRANK RIZZO
MICHAEL KOUVARAS
and
DEUTERON CAPITAL, LLC
d/b/a
SOUTH STREET FILLIT RECYCLING

between on or about August 6, 2010, and on or about March 28,
2011, at the Township of Riverside, in the County of Burlington,
elsewhere, and within the jurisdiction of this Court, knowingly
did violate the Asbestos Control and Licensing Act, N.J.S.A.
34:5A-32 et. seq., directly or indirectly, by performing, or
contracting to perform asbestos removal from the former Zurbrugg
Memorial Hospital, located at 126 Zurbrugg Way in Riverside, New
Jersey, without first obtaining a license from the Commissioner
of Labor to perform such work, as required by N.J.S.A. 34:5A-36,
contrary to the provisions of N.J.S.A. 34:5A-41, 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


Riza Dagli, Deputy Director
Division of Criminal Justice

A TRUE BILL:


Jordie James
deputy Foreperson

Dated: 6/20/12

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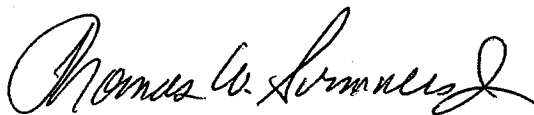
SOUTH STREET FILLIT RECYCLING)

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 20th day of June, 2012, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Burlington 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 Burlington for filing.



~~Mary C. Jacobson, A.J.S.C.~~

Thomas W. Sumners, Jr