

FILED

APR 29 2009

**SUPERIOR COURT
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ568-09-22

Superior Court

Docket Number 09-04-00084-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

ANTHONY CRECCO)

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

COUNT ONE

(Official Misconduct - Second Degree)

ANTHONY CRECCO

between on or about August 1, 2004 and on or about January 25, 2005, in the Township of Morris, in the County of Morris, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said ANTHONY CRECCO, acting with purpose to obtain a benefit for herself or another or to injure or to deprive another of a benefit in excess of \$200, 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 knowingly refrain from performing a duty imposed upon him by law or clearly inherent in the nature of her office, and the said ANTHONY CRECCO, then and

there being a public servant, to wit: President of the County of Morris Board of Taxation, having thereby the official functions and duties, among others, (a) to supervise county and municipal tax assessors, equalize the valuation of assessments of both real and personal property through the County and perform any necessary acts that are incidental to that duty, to wit: to vote on necessary professional services contracts; (b) to produce annual reports; (c) to transact business openly so as to not have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity which is in conflict with his duties in the public interest; (d) to not accept a gift or favor from an organization, company, or other individual being audited, investigated, or ruled upon by that employee, or that is engaged in a contract with the State of New Jersey Department of Taxation; and (e) to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences; did, with purpose to secure a benefit for himself or another or to injure or to deprive another of a benefit in excess of \$200, review, participate in, vote on, and score as the winning bid a Request for Proposal for Morris County Bid #04-57 Tax Board Services from Vital Communications to acquire a data services contract for the electronic processing of the MOD IV (Property Assessment), SR1A (Sale of Property) and Property Tax Appeals as required by the New Jersey Division of

Taxation Property Tax System (NJPTS), despite an affirmative duty to recuse himself as a result of purchasing tangible property for below fair market value from Vital Communications' Chief Operating Officer that was negotiated prior to, during, and after the vote, to wit: a Mercedes Benz SL 600 purchased for approximately \$28,700, 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 TWO

(Official Misconduct - Second Degree)

ANTHONY CRECCO

between on or about August 1, 2004 and on or about January 25, 2005, at the Township of Morristown, in the County of Morris, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said ANTHONY CRECCO, acting with purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit in excess of \$200, 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 knowingly refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, and the said ANTHONY CRECCO, then and there being a public servant, to wit: President of the County of Morris Board of Taxation, having thereby the official functions and duties, among others, (a) to supervise county and municipal tax assessors, equalize the valuation of assessments of both real and personal property through the County and perform any necessary acts that are incidental to that duty, to wit: to vote on necessary professional services contracts; (b) to produce annual reports; (c) to transact business openly so as to not have any interest, financial or otherwise, direct or indirect, or engage in any

business, transaction or professional activity which is in conflict with his duties in the public interest; (d) to not accept a gift or favor from an organization, company, or other individual being audited, investigated, or ruled upon by that employee, or that is engaged in a contract with the State of New Jersey Department of Taxation; and (e) to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences; did, with purpose to secure a benefit for himself or another or to injure or to deprive another of a benefit in excess of \$200, direct and/or influence a Morris County Tax Assessor Computer Committee Member to vote for Vital Communications while grading the Request for Proposal submitted by Vital Communications for Morris County Bid #04-57 Tax Board Services to acquire data services contract for the electronic processing of the MOD IV (Property Assessment), SR1A (Sale of Property) and Property Tax Appeals as required by the New Jersey Division of Taxation Property Tax System (NJPTS), despite an affirmative duty to recuse himself as a result of purchasing tangible property for below fair market value from Vital Communications' Chief Operating Officer that was negotiated prior to, during, and after the vote, to wit: a Mercedes Benz SL 600 purchased for approximately \$28,700, 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

(Theft By Unlawful Taking - Third Degree)

ANTHONY CRECCO

between on or about August 1, 2004 and on or about January 31, 2005, at the City of Trenton, in the County of Mercer, at the Township of East Hanover, in the County of Morris, elsewhere, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the movable property of the State of New Jersey in excess of \$500, to wit: United States currency having an aggregate value of approximately \$882 by failing to pay the New Jersey Sales and Use Tax on the actual purchase price from the sale of a Mercedes Benz SL 600 purchased from Vital Communications' Chief Operating Officer, with purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3, and against the peace of this State, the government and dignity of same.

COUNT FOUR

(Failure to Pay Sales and Use Tax With Intent to Evade

- Third Degree)

ANTHONY CRECCO

between on or about January 1, 2005 and on or about January 31, 2005, at the City of Trenton, in the County of Mercer, at the Township of East Hanover, in the County of Morris, elsewhere, and within the jurisdiction of this Court, with the intent to evade, avoid, or otherwise not make timely payment of the New Jersey Sales and Use Tax, required by and under N.J.S.A. 54:32B-1 et. seq., for the calendar year ending December 31, 2005, ANTHONY CRECCO did fail to pay and turn over the New Jersey Sales and Use Tax due by approximately \$882, contrary to the provisions of N.J.S.A. 54:52-9, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Theft By Unlawful Taking - Third Degree)

ANTHONY CRECCO

between on or about August 1, 2004 and on or about September 24, 2004, at the City of Cape May, in the County of Cape May, at the City of Trenton, in the County of Mercer, at the Township of East Hanover, in the County of Morris, elsewhere, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the movable property of another in excess of \$500, to wit: a desktop computer, monitor, and software donated by Vital Communications to the Thirty-Third Annual New Jersey Tax Board Association Conference having an aggregate value of approximately \$1,200, with purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3, and against the peace of this State, the government and dignity of same.

COUNT SIX

(Rigging a Publically Exhibited Contest- Third Degree)

(Tampering)

ANTHONY CRECCO

on or about August 31, 2004, at the City of Cape May, in the County of Cape May, elsewhere, and within the jurisdiction of this Court, with the purpose to prevent a publically exhibited contest from being conducted in accordance with the rules and usages which govern it, did tamper with a thing, to wit: a ticket in a drawing for the selection of a desktop computer, monitor, and software valued at approximately \$1,200 at the Thirty-Third Annual New Jersey Tax Board Association Conference, thereby deriving a benefit in excess of \$1,000, contrary to the provisions of N.J.S.A. 2C:21-11a(2), and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Conspiracy - Second Degree)

ANTHONY CRECCO

and other persons whose identities are both known and unknown to the Grand Jurors, who are named as coconspirators but not as defendants herein, between on or about August 1, 2006 and on or about June 1, 2008, at the Township of East Hanover, at the Township of Randolph, all in the County of Morris, at the Township of Absecon, in the County of Atlantic, 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 crimes of Misapplication of Entrusted Property and/or Theft by Failure to Make Required Disposition of Property, 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. Misapplication of Entrusted Property, in that one or more of them would knowingly apply or dispose of property, that is, funds, checks, and/or United States currency, entrusted to a fiduciary of the Florham Park-Fairfield Lodge #815 of the Benevolent and Protective Order of the Elks of the United States of America, in a manner which one or more of them knew was unlawful

and involved substantial risk of loss or detriment to the owner of the property, to wit: to repay debts to certain casinos and/or business entities, including but not limited to the repayment of gambling markers, thereby deriving a benefit of over \$75,000, to wit: approximately \$278,650, contrary to the provisions of N.J.S.A. 2C:21-15; and

2. Theft by Failure to Make Required Disposition of Property, in that one or more of them did commit theft by purposely obtaining or retaining property belonging to the Florham Park-Fairfield Lodge #815 of the Benevolent and Protective Order of the Elks of the United States of America, that is, funds, checks, and/or United States currency having a value above \$75,000 upon agreement or subject to a known legal obligation to make specified payment or other disposition and did deal with said funds, checks, and/or United States currency as their own and did fail to make the required payment or disposition, contrary to the provisions of N.J.S.A. 2C:20-9.

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

COUNT EIGHT

(Misapplication of Entrusted Property - Second Degree)

ANTHONY CRECCO

and other persons whose identities are both known and unknown to the Grand Jurors, who are named as coconspirators but not as defendants herein, between on or about August 1, 2006 and on or about June 1, 2008, at the Township of East Hanover, at the Township of Randolph, all in the County of Morris, at the Township of Absecon, in the County of Atlantic, at the City of Atlantic City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did apply or dispose of property, that is, funds, checks, and/or United States currency, entrusted to a fiduciary of the Florham Park-Fairfield Lodge #815 of the Benevolent and Protective Order of the Elks of the United States of America, in a manner which one or more of them knew was unlawful and involved substantial risk of loss or detriment to the owner of the property, to wit: to repay debts to certain casinos and/or business entities, including but not limited to the repayment of gambling markers, thereby deriving a benefit of over \$75,000, to wit: approximately \$278,650, contrary to the provisions of N.J.S.A. 2C:21-15 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

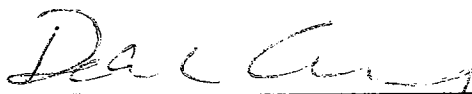
COUNT NINE

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

ANTHONY CRECCO

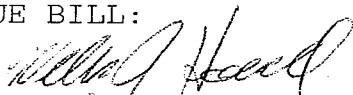
and other persons whose identities are both known and unknown to the Grand Jurors, who are named as coconspirators but not as defendants herein, between on or about August 1, 2006 and on or about June 1, 2008, at the Township of East Hanover, at the Township of Randolph, all in the County of Morris, the Township of Absecon, in the County of Atlantic, and the City of Atlantic City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, did commit theft by purposely obtaining or retaining property belonging to the Florham Park-Fairfield Lodge #815 of the Benevolent and Protective Order of the Elks of the United States of America, that is, funds, checks, and/or United States currency having a value above \$75,000, upon agreement or subject to a known legal obligation to make specified payment or other disposition and did deal with said funds, checks, and/or United States currency as ANTHONY CRECCO'S own and did fail to make the required payment or disposition, contrary to the provisions of N.J.S.A. 2C:20-9 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:



Att. Dep. Foreperson

Date:

4-29-09

FILED

APR 29 2009

**SUPERIOR COURT
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ568-09-22
Superior Court
Docket Number 09-04-00084-S

STATE OF NEW JERSEY)

v.)

ANTHONY CRECCO)

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 *29th* day of *April*, 2009, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Morris 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 Morris for filing.


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

PEDRO J. JIMENEZ, JR. J.S.C.