

**FILED**

**MAR 11 2009**

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

State Grand Jury

Number SGJ568-09-13

Superior Court

Docket Number 09-03-00046-S

STATE OF NEW JERSEY )

v. )

INDICTMENT

JOSEPH VAS )

and )

ANTHONY JONES )

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

COUNT ONE

(Conspiracy - Second Degree)

JOSEPH VAS

and

ANTHONY JONES

who are named as defendants herein, and other persons whose identities are known and unknown to the Grand Jurors, who are named as coconspirators, but not as defendants herein, between on or about June 17, 2003 and on or about September 27, 2007, in the City of Perth Amboy and the Township of Woodbridge, both at the County of Middlesex, elsewhere, and within the jurisdiction of

this Court, with the purpose of promoting or facilitating the commission of the crimes of Official Misconduct, Theft By Unlawful Taking, Misapplication of Entrusted Property and Property of Government, Tampering With Public Records or Information, and Falsifying or Tampering with Records, 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. Official Misconduct, in that JOSEPH VAS, being a public servant, acting with the 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 an act or 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 or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office; that is, the said JOSEPH VAS, then and there being a public servant, to wit: the Mayor of the City of Perth Amboy, having thereby the official functions and duties, among others, to supervise, direct and control all departments of the government of the City of Perth Amboy, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting

influences: (A) did authorize or approve the reimbursement of purchases from funds from the City of Perth Amboy, for personal purchases for himself and others who are coconspirators but are not named as defendants herein; and (B) did purposely prevent a publicly exhibited contest from being conducted in accordance with the rules and usages which govern it, by conferring or offering or agreeing to confer any benefit upon a participant, the said ANTHONY JONES, with the purpose to secure a benefit to himself or another in excess of \$200, contrary to the provisions of N.J.S.A. 2C:30-2(a);

2. Theft by Unlawful Taking, in that JOSEPH VAS and others knowingly did unlawfully take or exercise unlawful control over moveable property of the City of Perth Amboy, that is, city funds, having an aggregate value of more than \$500, by submitting and causing the submission of purchase requisitions to the City of Perth Amboy for reimbursement of personal items for himself and others who are coconspirators but are not named as defendants herein, with the purpose to deprive the City of Perth Amboy, contrary to the provisions of N.J.S.A. 2C:20-3 and N.J.S.A. 2C:20-2(b)(4);

3. Misapplication of Entrusted Property and Property of Government, in that JOSEPH VAS and others knowingly did apply or dispose of property belonging to or required to be withheld for the benefit of the government in a manner which they knew was unlawful and involved a substantial risk of loss or detriment to

the government, to wit: funds belonging to the City of Perth Amboy, in a manner which the said JOSEPH VAS and others who are coconspirators but are not named as defendants herein, knew was unlawful and involved substantial risk of loss or detriment to the owner of the property, thereby deriving a benefit in excess of \$1,000, contrary to the provisions of N.J.S.A. 2C:21-15;

4. Tampering with Public Records or Information, in that JOSEPH VAS and others, with purpose to defraud or injure, did make, present, offer for filing or use any record, document or thing, knowing it to be false, and with purpose that it be taken as a genuine part of information or records belonging to, received or kept by, the government for information or record, or required by law to be kept by others for information of the government, that is, the said JOSEPH VAS and others who are coconspirators but are not named as defendants herein, knowing the same to be false, did make, present or offer false or fraudulent purchase requisitions with purpose to defraud or injure the City of Perth Amboy, contrary to the provisions of N.J.S.A. 2C:28-7a(2); and

5. Falsifying or Tampering with Records, in that JOSEPH VAS and others, with the purpose to deceive or injure the City of Perth Amboy, did falsify a writing or record or utter one or more writings or records knowing it/them to contain a false statement or information, contrary to the provisions of N.J.S.A. 2C:21-4.

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

COUNT TWO

(Official Misconduct - Second Degree)

JOSEPH VAS

and

ANTHONY JONES

between on or about June 17, 2003 and on or about December 31, 2003, in the City of Perth Amboy, at the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said JOSEPH VAS, acting with the purpose to obtain a benefit for himself or another, or to injure or deprive another of a benefit in excess of \$200, did commit one or more 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 or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said JOSEPH VAS then and there being a public servant, that is, the Mayor of the City of Perth Amboy, having thereby the official functions and duties, among others, to supervise, direct and control all departments of the government of the City of Perth Amboy, perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did rig or caused to be rigged a publicly exhibited contest of the Housing and Urban Development New Construction First Time Home

Buyers Program, as part of the City of Perth Amboy Home Program, by instructing a coconspirator who is not named as a defendant herein, to conceal a folded index card containing the name of a participant, the said ANTHONY JONES, who was JOSEPH VAS' personal driver and a City of Perth Amboy employee, in order to ensure that the concealed folded index card would appear to be withdrawn by the coconspirator from the pool of participants' entries, and thereby making ANTHONY JONES the winner of a lottery, which allowed him the opportunity to purchase a two-family residential home, with the purpose to secure a benefit for JOSEPH VAS, ANTHONY JONES, or another in excess of \$200, 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.

COUNT THREE

(Official Misconduct - Second Degree)

JOSEPH VAS

between on or about April 12, 2004 and on or about December 29, 2004, in the City of Perth Amboy, at the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said JOSEPH VAS, acting with the purpose to obtain a benefit for himself or another, or to injure or deprive another of a benefit in excess of \$200, did commit one or more 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 or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said JOSEPH VAS, then and there being a public servant, to wit: Mayor of the City of Perth Amboy, having thereby the official functions and duties, among others, to supervise, direct and control all departments of the government of the City of Perth Amboy, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences: (A) did falsify records, to wit: change and alter or caused to be changed or altered, a vendor's invoice of a sports and entertainment business to create the appearance that the invoice was for a city-funded program, knowing that the invoice was in fact for

athletic training for his son and a coconspirator's son and therefore contained false statements or information; (B) did utter or caused to be uttered a false record, to wit: a vendor's invoice of a sports and entertainment business, knowing it contained false statements or information; (C) did tamper with public records by submitting or causing to be submitted a fraudulent purchase requisition to the City of Perth Amboy for payment for athletic training for his son and a coconspirator's son; and (D) knowingly did unlawfully take or exercise unlawful control over the moveable property of the City of Perth Amboy, to wit: United States currency in the amount of approximately \$1,400, by authorizing the submission of or approving a purchase requisition or an invoice to the City of Perth Amboy in the amount of approximately \$1,400, payable to a sports and entertainment business for his son's athletic training, all with the purpose to secure a benefit to himself or another in excess of \$200, 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.

COUNT FOUR

(Official Misconduct - Second Degree)

JOSEPH VAS

between on or about July 20, 2005 and on or about October 21, 2005, in the City of Perth Amboy, at the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said JOSEPH VAS, acting with the purpose to obtain a benefit for himself or another, or to injure or deprive another of a benefit in excess of \$200, did commit one or more 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 or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said JOSEPH VAS, then and there being a public servant, to wit: the Mayor of the City of Perth Amboy, having thereby the official functions and duties, among others, to supervise, direct and control all departments of the government of the City of Perth Amboy, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, knowingly did unlawfully take or exercise unlawful control over the moveable property of the City of Perth Amboy, to wit: approximately \$295.60 in United States currency by authorizing the submission of or approving a purchase requisition from the

City of Perth Amboy, payable to a coconspirator, who is not named as a defendant herein, knowing that the purchase requisition contained items of a personal nature, including but not limited to items of clothing and athletic equipment, with the purpose to secure a benefit for himself or another in excess of \$200, 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 same.

COUNT FIVE

(Official Misconduct - Second Degree)

JOSEPH VAS

between on or about December 1, 2006 and on or about August 10, 2007, in the City of Perth Amboy, at the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said JOSEPH VAS, acting with the purpose to obtain a benefit for himself or another, or to injure or deprive another of a benefit in excess of \$200, did commit one or more 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 or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said JOSEPH VAS, then and there being a public servant, to wit: the Mayor of the City of Perth Amboy, having thereby the official functions and duties, among others, to supervise, direct and control all departments of the government of the City of Perth Amboy, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, knowingly did unlawfully take or exercise unlawful control over the moveable property of the City of Perth Amboy, to wit: United States currency in the amount of approximately \$3,800, by authorizing the submission of or approving a purchase requisition

from the City of Perth Amboy made payable to a coconspirator, who is not named as a defendant herein, for approximately \$3,800, knowing that the purchase requisition contained items of a personal nature, including but not limited to items of clothing, with the purpose to secure a benefit for himself or another in excess of \$200, 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.

COUNT SIX

(Official Misconduct - Second Degree)

JOSEPH VAS

between on or about May 24, 2007 and on or about August 10, 2007, in the City of Perth Amboy and the Township of Woodbridge, both at the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said JOSEPH VAS, acting with the purpose to obtain a benefit for himself or another, or to injure or deprive another of a benefit in excess of \$200, did commit one or more 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 or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said JOSEPH VAS, then and there being a public servant, to wit: the Mayor of the City of Perth Amboy, having thereby the official functions and duties, among others, to supervise, direct and control all departments of the government of the City of Perth Amboy, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, knowingly did unlawfully take or exercise unlawful control over the moveable property of the City of Perth Amboy, to wit: United States currency in the amount of approximately \$450, by authorizing the

submission of or approving a purchase requisition from the City of Perth Amboy, made payable to an athletic club located in the Township of Woodbridge, in the amount of approximately \$450 knowing that the purchase requisition contained items of a personal nature, to include training sessions for his son, with the purpose to secure a benefit for himself or another in excess of \$200, 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.

COUNT SEVEN

(Official Misconduct - Second Degree)

JOSEPH VAS

between on or about September 26, 2007 and on or about September 27, 2007 in the City of Perth Amboy, at the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said JOSEPH VAS, acting with the purpose to obtain a benefit for himself or another, or to injure or deprive another of a benefit in excess of \$200, did commit one or more 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 or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said JOSEPH VAS then and there being a public servant, to wit: the Mayor of the City of Perth Amboy, having thereby the official functions and duties, among others, to supervise, direct and control all departments of the government of the City of Perth Amboy, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, knowingly did unlawfully take or exercise unlawful control over the moveable property of the City of Perth Amboy, to wit: United States currency in the amount of approximately \$289.37, by authorizing the submission of or approving a purchase requisition

from the City of Perth Amboy, made payable to a supermarket, knowing that the purchase requisition contained items of a personal nature, including but not limited to expenses in connection with the funeral for the said JOSEPH VAS' father, with the purpose to secure a benefit to himself or another in excess of \$200, 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.

COUNT EIGHT

(Pattern of Official Misconduct - Second Degree)

JOSEPH VAS

between on or about June 17, 2003 and on or about September 27, 2007, in the City of Perth Amboy and the Township of Woodbridge, both at the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did commit the offense of Pattern of Official Misconduct in that he did commit two or more acts of Official Misconduct, each in violation of N.J.S.A. 2C:30-2, that is, the said JOSEPH VAS, then and there being a public servant, to wit: the Mayor of the City of Perth Amboy, having thereby the official functions and duties, among others, to supervise, direct and control all departments of the government of the City of Perth Amboy, 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 commit two or more acts of Official Misconduct, at least one of which was a crime of the second degree including, but not limited to those acts and omissions described in Counts Two through Seven, which allegations are incorporated by reference as fully set forth herein, contrary to the provisions of N.J.S.A. 2C:30-7a and N.J.S.A. 2C:2-6 and against the peace of this State, the government and dignity of the same.

COUNT NINE

(Theft by Unlawful Taking - Third Degree)

JOSEPH VAS

between on or about April 12, 2004 and on or about September 27, 2007, in the City of Perth Amboy and the Township of Woodbridge, both at the County of Middlesex, elsewhere, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the movable property of another to wit: United States currency in excess of \$500, with purpose to deprive the owner thereof, that is, the said JOSEPH VAS knowingly did unlawfully take or exercise unlawful control over approximately \$5,000 in funds of the City of Perth Amboy, with the purpose to deprive the City of Perth Amboy thereof, contrary to the provisions of N.J.S.A. 2C:20-3, N.J.S.A. 2C:20-2(b)(4) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

