

FILED

FEB 27 2015

State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ665-15-2

Superior Court

Docket Number 15-02-00027-9

)
STATE OF NEW JERSEY)
v.)
ALKESH DESAI)
)

INDICTMENT

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

COUNT ONE

(Conspiracy - Second Degree)

ALKESH DESAI

and another person whose identity is known to the Grand Jurors, who is a coconspirator but who is not named as a defendant herein, between in or about June 2013 and in or about June 2014, at the Township of Ewing, in the County of Mercer, 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 Deception, Tampering with Public Records or Information or Falsifying Records, did agree that: one or more of them knowingly would engage in conduct which would constitute the aforementioned crimes, or one or more of them knowingly would aid in the planning, solicitation or commission

of said crimes, that is,

1. Official Misconduct, in that one or more of them, being a public servant and acting with the purpose to obtain a benefit for himself or another in excess of \$200, 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 unauthorized exercises 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, submitting false time keeping records to the Department of Transportation reflecting that one or more of them was entitled to compensation for hours worked as emergency overtime, when in truth and in fact they were not entitled to compensation for the hours submitted because they were not worked in response to a transportation emergency, contrary to the provisions of N.J.S.A. 2C:30-2;
2. Theft by Deception, in that one or more of them would purposely obtain property from the State of New Jersey, Department of Transportation, by deception, that is, by creating or reinforcing the false impression that one or more of them was entitled to compensation for hours worked as emergency overtime when in truth and in fact emergency

overtime compensation was not owed because the hours worked were not in response to a transportation emergency, contrary to the provisions of N.J.S.A. 2C:20-4;

3. Tampering with Public Records or Information, in that one or more of them would, with purpose to defraud or injure, make, present, offer for filing or use any record, document or thing knowing it to be false, and with the purpose that it be taken as a genuine part of information or records belong 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, one or more of them, knowing the same to be false, would make, present, offer for filing or use, time keeping records which indicated that they were entitled to compensation for emergency overtime that they were not in fact entitled to, contrary to the provisions of N.J.S.A. 2C:28-7(a)(1); or
4. Falsifying Records, in that one or more of them, with purpose to deceive or injure another or to conceal a wrongdoing, knowing it to contain a false statement or information, did utter a writing or record, that is, time keeping records which indicated that they were entitled to compensation for emergency overtime that they were not in fact entitled to, contrary to the provisions of N.J.S.A. 2C:21-4(a);

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 TWO

(Official Misconduct - Second Degree)

ALKESH DESAI

between in or about June 2013 and in or about June 2014, at the Township of Ewing, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that said ALKESH DESAI, being a public servant and acting with the purpose to obtain a benefit for himself or another in excess of \$200, 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 unauthorized exercises 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 ALKESH DESAI, then and there being a public servant, to wit: an employee of the New Jersey Department of Transportation, and having thereby the official functions and duties, among others, to submit time keeping records that accurately reflect the compensation to which he was entitled, 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 submit false time keeping records to the Department of Transportation reflecting that he was entitled to compensation

for hours worked as emergency overtime, when in truth and in fact the said ALKESH DESAI was not entitled to compensation for the hours submitted because they were not worked in response to a transportation emergency, with the purpose of securing a benefit to himself or another in excess of \$200, contrary to the provisions of N.J.S.A. 2C:30-2(a) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

COUNT THREE

(Official Misconduct - Second Degree)

ALKESH DESAI

between in or about June 2013 and in or about June 2014, at the Township of Ewing, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that said ALKESH DESAI, being a public servant and acting with the purpose to obtain a benefit for himself or another, or to injure or deprive another of a benefit, did commit one or more 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 refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said ALKESH DESAI, then and there being a public servant, to wit: an employee of the New Jersey Department of Transportation, and having thereby the official functions and duties accompanying this position, including, among others, to utilize officially issued equipment and property in an authorized manner, to refrain from using public property for private purposes, to operate the State vehicle issued to him by the Department of Transportation within the bounds of the policies and procedures promulgated by the Department of the Treasury and the Department of Transportation,

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 make one or more unauthorized trips in his State assigned vehicle to run personal errands and to transport unauthorized persons out of State in violation of the policies and procedures associated with the use of State owned vehicles, with the purpose of securing a benefit to himself or another, contrary to the provisions of N.J.S.A. 2C:30-2(a), and against the peace of this State, the government and dignity of same.

COUNT FOUR

(Theft by Deception - Third Degree)

ALKESH DESAI

between in or about June 2013 and in or about June 2014, at the Township of Ewing, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain in excess of \$500, from the State of New Jersey, Department of Transportation, by deception, by creating or reinforcing the false impression that he was entitled to compensation for hours worked as emergency overtime when in truth and in fact, as the said ALKESH DESAI well knew, the hours worked were not emergency overtime because said hours worked were not in response to a transportation emergency, contrary to the provisions of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:2-6, and against the peace of this State and the government and dignity of the same.

COUNT FIVE

(Tampering with Public Records or Information - Third Degree)

ALKESH DESAI

between in or about June 2013 and in or about June 2014, at the Township of Ewing, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, 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 the 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 ALKESH DESAI, knowing same to be false, did make, present, offer for filing or use false time keeping records, which indicated that he was entitled to compensation for emergency overtime that he was not in fact entitled to, contrary to the provisions of N.J.S.A. 2C:28-7(a)(1) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

COUNT SIX

(Falsifying Records - Fourth Degree)

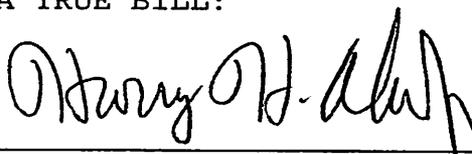
ALKESH DESAI

between in or about June 2013 and in or about June 2014, at the Township of Ewing, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, with purpose to deceive or injure another or to conceal a wrongdoing, knowing it to contain a false statement or information, did falsify or utter a writing or record, that is, one or more false time keeping records, contrary to the provisions of N.J.S.A. 2C:21-4(a) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.



Elie Honig, Director
Division of Criminal Justice

A TRUE BILL:



, Foreperson

Dated: Feb. 27, 2015