

**FILED**  
OCT 31 2017  
State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury  
Number SGJ707-17-10  
Superior Court  
Docket Number 17-10-00185-0

)  
STATE OF NEW JERSEY )  
v. )  
KEVIN B. BANNON )  
)

INDICTMENT

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

COUNT ONE

(Official Misconduct - Second Degree)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that said KEVIN B. BANNON, 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 KEVIN B. BANNON, then and there being a public servant, to wit: the Executive Director of The Mercer County Park Commission, and having thereby the official functions and duties, among others, to refrain from using or attempting to use his official position to secure unwarranted privileges or advantages for himself or others, to refrain from acting in an official capacity in any matter wherein he had a direct or indirect personal financial interest that might reasonably be expected to impair objectivity or independence of judgment, to refrain from using or allowing the use of County property, personnel or persons in the custody of the County for other than officially approved activities, 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:

(1) waive golf fees owed to The Mercer County Park Commission for one or more golf outings held at The Mercer Oaks Public Golf Course by one or more third party non-profit organizations, or for the said KEVIN B. BANNON and his invited guests; (2) use his position as the Executive Director of The Mercer County Park Commission to solicit sponsorships or cause other Mercer County Park Commission employees to solicit sponsorships for a third party non-profit organization's golf outings from Mercer County

Park Commission vendors; or (3) misuse Mercer County Park Commission funds, materials, employees, and equipment to create or buy signs for the benefit of a third party non-profit organization, all with the purpose of securing a benefit of over \$200 to himself or another, 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)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that said KEVIN B. BANNON, 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 KEVIN B. BANNON, then and there being a public servant, to wit: the Executive Director of The Mercer County Park Commission, and having thereby the official functions and duties, among others, to refrain from using or attempting to use his official position to secure unwarranted privileges or advantages for himself or others, to refrain from acting in an official capacity in any matter wherein he had a direct or indirect personal financial interest that might reasonably be expected to impair objectivity or independence of judgment, to refrain from using or allowing the use of County

property, personnel or persons in the custody of the County for other than officially approved activities, 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 re-direct funds owed to The Mercer County Park Commission from another for the use of The Mercer County Park Commission Tennis Center courts to a third party non-profit organization, with the purpose of securing a benefit of over \$200 to himself or another, 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

(Official Misconduct - Second Degree)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that said KEVIN B. BANNON, 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 KEVIN B. BANNON, then and there being a public servant, to wit: the Executive Director of The Mercer County Park Commission, and having thereby the official functions and duties, among others, to refrain from using or attempting to use his official position to secure unwarranted privileges or advantages for himself or others, to refrain from acting in an official capacity in any matter wherein he had a direct or indirect personal financial interest that might reasonably be expected to impair objectivity or independence of judgment, to refrain from using or allowing the use of County

property, personnel or persons in the custody of the County for other than officially approved activities, 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 negotiate, contract for, or accept a benefit from a third party limited liability company for himself or another in a Mercer County Park Commission contract, to wit: (1) a negotiated fee/donation of \$2 per ticket for each of three concerts held at Mercer County Park in 2015 for the benefit of a third party non-profit organization, or (2) a provision in a Mercer County Park Commission contract allowing the said KEVIN B. BANNON to host 30-50 guests at each of three concerts held at Mercer County Park in 2015, said guests to be admitted free of charge and provided access to a VIP hospitality tent, all with the purpose of securing a benefit of over \$200 to himself or another, 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 FOUR

(Official Misconduct - Second Degree)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that said KEVIN B. BANNON, 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 KEVIN B. BANNON, then and there being a public servant, to wit: the Executive Director of The Mercer County Park Commission, and having thereby the official functions and duties, among others, to refrain from using or attempting to use his official position to secure unwarranted privileges or advantages for himself or others, to refrain from acting in an official capacity in any matter wherein he had a direct or indirect personal financial interest that might reasonably be expected to impair objectivity or independence of judgment, to refrain from using or allowing the use of County



property, personnel or persons in the custody of the County for other than officially approved activities, 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 waive golf fees owed to The Mercer County Park Commission by an individual as payment for that individual's services as an accountant for a third party non-profit organization, with the purpose of securing a benefit of over \$200 to himself or another, 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 FIVE

(Official Misconduct - Second Degree)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that said KEVIN B. BANNON, 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 KEVIN B. BANNON, then and there being a public servant, to wit: the Executive Director of The Mercer County Park Commission, and having thereby the official functions and duties, among others, to refrain from using or attempting to use his official position to secure unwarranted privileges or advantages for himself or others, to refrain from acting in an official capacity in any matter wherein he had a direct or indirect personal financial interest that might reasonably be expected to impair objectivity or independence of judgment, to refrain from using or allowing the use of County

property, personnel or persons in the custody of the County for other than officially approved activities, 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 require a County Vendor to pay a fee to a third party non-profit organization in order sell concessions at three concerts held at Mercer County Park in 2015, with the purpose of securing a benefit of over \$200 to himself or another, 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 SIX

(Official Misconduct - Second Degree)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that said KEVIN B. BANNON, 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 KEVIN B. BANNON, then and there being a public servant, to wit: the Executive Director of The Mercer County Park Commission, and having thereby the official functions and duties, among others, to refrain from using or attempting to use his official position to secure unwarranted privileges or advantages for himself or others, to refrain from acting in an official capacity in any matter wherein he had a direct or indirect personal financial interest that might reasonably be expected to impair objectivity or independence of judgment, to refrain from using or allowing the use of County

property, personnel or persons in the custody of the County for other than officially approved activities, 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 represent to representatives of a tenant of the Mercer County Park Commission or the County of Mercer, that certain fees were owed to The Mercer County Park Commission or the County of Mercer and then did waive said fees in exchange for a payment of funds to wit: approximately \$5,000, to a third party non-profit organization, all with the purpose of securing a benefit of over \$200 to himself or another, 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 SEVEN

(PATTERN OF OFFICIAL MISCONDUCT - SECOND DEGREE)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, 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 KEVIN B. BANNON, being a public servant, that is, Executive Director of The Mercer County Park Commission, 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 described in Counts One through Six, which allegations are incorporated by reference as if fully set forth herein, contrary to the provisions of N.J.S.A. 2C:30-7a, and against the peace of this State, the government and dignity of the same.

COUNT EIGHT

(THEFT OF SERVICES - THIRD DEGREE)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did commit the offense of theft of services, in that the said KEVIN B. BANNON, having control over the disposition of services of another, having a value of over \$500, to wit: approximately \$65,815, to which he was not entitled, that is, the use of The Mercer County Park Commission Golf Courses, knowingly did divert the said services to his own benefit or the benefit of another not entitled thereto, that is: (1) one or more third party non-profit organizations; (2) the invited family members of the said KEVIN B. BANNON or (3) an individual, as payment for that individual's services as an accountant for a third party non-profit organization, contrary to the provisions of N.J.S.A. 2C:20-8(b), and against the peace of this State, the government and dignity of same.

COUNT NINE

(THEFT BY UNLAWFUL TAKING - THIRD DEGREE)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the movable property of The Mercer County Park Commission, the County of Mercer or one or more vendors or tenants of The Mercer County Park Commission or the County of Mercer, that is: funds, property, employee services, signage and materials of The Mercer County Park Commission or County of Mercer having a value of over \$500, to wit: approximately \$22,460.21, 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 TEN

(Misapplication of Entrusted Property and Property of Government

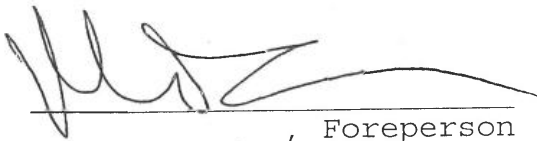
- SECOND DEGREE)

KEVIN B. BANNON

between on or about January 1, 2013 and on or about June 30, 2016, at the Township of Lawrence, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, knowingly did apply or dispose of property, that is funds property, employee services, signage and materials belonging to the government, to wit: The Mercer County Park Commission or the County of Mercer, in a manner which the said KEVIN B. BANNON knew was unlawful and involved substantial risk of loss or detriment to the owner of the property, thereby deriving a benefit of \$75,000 or more for himself or another, to wit: approximately \$88,275.21, contrary to the provisions of N.J.S.A. 2C:21-15, 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: 10/31/17

