

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 08-

v. : 18 U.S.C. §§ 981(a)(1)(C),
982(a)(4), 1341, 1346 & § 2
and 28 U.S.C. § 2461(c)

WALTER ZAWACKI : I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE
(Mail Fraud)

1. At all times relevant to Count One of this Information:
 - a. Defendant WALTER ZAWACKI was a resident of Clark, New Jersey, was a partner in Zawacki Construction, a construction and maintenance business based in Clark, New Jersey and was the business partner of Co-Schemer-2.
 - b. Co-Schemer-1 was the Field Representative for the City of Linden, New Jersey Neighborhood Redevelopment Program ("the Program").
 - c. The United States Department of Housing and Urban Development ("HUD") was a department within the executive branch of the United States government. HUD administered a number of programs aimed at expanding home ownership and revitalizing

neighborhoods and communities. Among such programs, HUD operated the Home Investment Partnership Program (the "HOME Program") and the Community Development Block Grant Program (the "CDBG Program") to help provide affordable housing and remedy substandard conditions in homes in participating jurisdictions. The City of Linden operated the Program which received funds from HUD through the HOME and CDBG Programs. The Program provided housing rehabilitation assistance to certain low and moderate income homeowners in the City of Linden. To receive such assistance, homeowners had to satisfy certain criteria and apply to the Program. If the Program approved a homeowner's application, the Program would determine the scope of the work to be performed, and would solicit bids from at least two contractors. The Program awarded the lowest bidder the contracting job.

d. As the Program Field Representative, Co-Schemer-1, among other things, : i) directed the Program; ii) ensured that homeowners were qualified for the Program; iii) solicited bids from contractors, and determined which contractors were awarded contracting jobs; iv) ensured that the contractor performed the work consistent with the pertinent federal, state, and local regulations; and v) caused the Program to pay the contractor after the required work was performed with funds that the Program received from HUD as described above.

e. Co-Schemer-2 was a City of Linden supervisory employee,

and was a silent partner in Zawacki Construction and another construction and maintenance businesses based in Toms River, New Jersey.

2. At all times relevant to Count One of this Information, the City of Linden and its citizens had an intangible right to the honest services of their public officials and employees. As a public official and an employee for the City of Linden, pursuant to New Jersey law and Co-Schemer-1's common law fiduciary obligation as a public trustee, Co-Schemer-1 owed the City of Linden and its citizens a duty to: (a) refrain from receiving bribes and corrupt payments designed to (i) improperly affect the performance of official duties or (ii) coax favorable official action or inaction; and (b) to disclose, and not conceal, personal financial interests and other material information in matters over which Co-Schemer-1 exercised and attempted to exercise official authority and discretion.

3. From in or about January 1998 to in or about December 2006, in the District of New Jersey and elsewhere, defendant

WALTER ZAWACKI

and others did knowingly and willfully devise and intend to devise a scheme and artifice to defraud the City of Linden and its citizens of the right to Co-Schemer-1's honest services in the affairs of the City of Linden.

4. The primary object of this scheme and artifice to

defraud was for Co-Schemer-1 to accept concealed bribes and corrupt payments from defendant WALTER ZAWACKI, Co-Schemer-2 and others in exchange for Co-Schemer-1 using Co-Schemer-1's position as the Program Field Representative to award Program contracting jobs to defendant WALTER ZAWACKI, Co-Schemer-2 and others and to conceal material information regarding this arrangement.

5. It was part of this scheme and artifice to defraud that defendant WALTER ZAWACKI and Co-Schemer-2 did frequently give and agree to give corrupt payments ranging from approximately \$500 to \$3,000 to Co-Schemer-1 (the "corrupt payments").

6. It was a further part of this scheme and artifice to defraud that in exchange for the corrupt payments, Zawacki Construction was awarded approximately 16 contracts for approximately \$593,610 in construction services by Co-Schemer-1.

7. On or about March 30, 2004, for the purpose of executing this scheme and artifice to defraud, and attempting to do so, in the District of New Jersey and elsewhere, defendant

WALTER ZAWACKI

and others did knowingly and willfully place and cause to be placed in a post office and authorized depository for mail, and caused to be delivered by mail in accordance with directions thereon, and took and received therefrom, certain mail matter and things to be sent and delivered by the United States Postal Service, namely a Program contract awarding a contracting job to

defendant WALTHER ZAWACKI's construction and maintenance business based in Clark, New Jersey.

In violation of Title 18, United States Code, Sections 1341 and 1346, and Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in Count One of this Information are hereby realleged and incorporated as though set forth in full herein for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 982(a)(4).

2. As the result of committing the mail fraud offense in violation of Title 18, United States Code, Sections 1341 and 1346 alleged in Count One of this Information, defendant WALTER ZAWACKI shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 982(a)(4), all property, real and personal, that he obtained directly or indirectly as a result of his offense, including but not limited to, \$29,680:

3. If by any act or omission of the defendant WALTER ZAWACKI, any of the property subject to forfeiture described in the paragraph above:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the

court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the property described above.

Pursuant to Title 18, United States Code, Sections Section 981(a)(1)(C), 982(a)(4) and Title 28, United States Code, Section 2461(c).

CHRISTOPHER J. CHRISTIE
United States Attorney