

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 09-718 (JLL)
:
v. : 18 U.S.C. §§ 2, 981(a)(1)(C),
: and 1341; 28 U.S.C. § 2461
:
JAMES P. KING : S U P E R S E D I N G
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 that:

Mail Fraud

1. At all times relevant to this Superseding Information:

(A) Defendant JAMES P. KING was a candidate for election seeking to represent Ward C on the City Council of Jersey City, New Jersey ("JC Council"), which election was held on or about May 12, 2009, in which he did not prevail.

(B) Edward Cheatam was the affirmative action officer for Hudson County and a Commissioner on the Jersey City Housing Authority. At certain times relevant to this Superseding Information, Edward Cheatam also was the Vice President of the Jersey City Board of Education.

(C) There was an individual, now deceased, who owned and operated a consulting firm based in Jersey City (the "Consultant"), and was a close associate of defendant JAMES P. KING.

(D) There was a cooperating witness (the "CW") who, at the direction of the Federal Bureau of Investigation ("FBI"), held himself out to be a real estate developer interested in development in the greater Jersey City area, including on Garfield Avenue.

2. At all times relevant to this Superseding Information:

(A) Defendant JAMES P. KING ran for a JC Council seat on the ticket of a certain mayoral candidate. The ticket included a slate of other candidates for public office who joined together to, among other things, raise funds for and defray the costs of their campaigns (the "Campaign Committee"). In addition, defendant JAMES P. KING had established a separate campaign committee, namely the "Friends of Jimmy King for Council 2009," in order to raise funds for and defray the costs of his campaign (hereinafter "Friends of Jimmy King" collectively, along with the Campaign Committee, referred to as the "Campaign Committees").

(B) There was a treasurer of the Campaign Committee (hereinafter, the "Treasurer") who was responsible for operating the Campaign Committee's election fund, which collected contributions made as to all candidates on the ticket and defrayed the expenses of those candidates. The Treasurer established a campaign depository and bank account at Capital One Bank in Jersey City, into which all campaign receipts were to be

deposited. Likewise, there was a treasurer of the Friends of Jimmy King, who operated the election fund and maintained a campaign depository and bank account at Provident Bank in Jersey City, into which all campaign receipts were to be deposited.

3. At all times relevant to this Superseding Information:

(A) The law of the State of New Jersey, i.e., the Campaign Contributions and Expenditures Reporting Act, N.J. Stat. Ann. §§ 19:44A-1 et seq., and N.J.A.C. 19:25-1 et seq., required the treasurer of a candidate committee to, among other things: (i) make an accurate written record of all contributions made to the committee; (ii) deposit all contributions (not transferred to another committee or candidate) in a campaign depository or bank account; and (iii) report the receipt of cash contributions, regardless of amount, as well as all other contributions exceeding \$300, to ELEC on forms issued by ELEC.

(B) In addition, pursuant to N.J. Stat. Ann. 19:44A-1 et seq., N.J.A.C. 19:25-1 et seq., and their common-law obligations as fiduciaries of a campaign committee, campaign treasurers and candidates for office were under a duty to their respective campaign committees to, among other things, honestly and truthfully account for the committees' receipts and to not use any such committee funds for any improper purpose or expenditure. Specifically, the State of New Jersey prohibited the personal use of campaign funds.

4. From in or about March 2009 to in or about May 2009, in Hudson County, in the District of New Jersey and elsewhere, defendant

JAMES P. KING

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud the Campaign Committees and to obtain money and property from the Campaign Committees by means of materially false and fraudulent pretenses, representations, and promises.

5. It was part of the scheme and artifice that defendant JAMES P. KING agreed to accept a total of approximately \$10,000 and actually accepted approximately \$7,500 in cash contributions from the CW, which were paid to defendant JAMES P. KING through Edward Cheatam and the Consultant, in exchange for defendant JAMES P. KING's future official assistance, action and influence in obtaining certain development approvals for the CW on a property purportedly located on Garfield Avenue in Jersey City (the "Garfield Avenue Development").

6. It was further part of the scheme and artifice that defendant JAMES P. KING diverted and caused to be diverted from the Campaign Committees' bank accounts approximately \$5,000 of the cash contributions that he had accepted from the CW, and used some of those funds to pay his own campaign expenses and personally kept the remainder of those funds.

7. It was further part of the scheme and artifice that defendant JAMES P. KING intentionally concealed his receipt of these cash contributions from the Campaign Committees and their Treasurers, and thus the funds were never deposited in the campaign depositories or accounted for in the records of the Campaign Committees.

8. It was further part of the scheme and artifice that, on or about April 29, 2009, defendant JAMES P. KING prepared, caused to be prepared, signed and caused to be signed a campaign fund report of contributions and expenditures (hereinafter referred to as the "ELEC Report") that defendant JAMES P. KING certified was truthful and accurate, but that, in fact, intentionally failed to disclose a cash contribution of \$5,000 that he previously had accepted from the CW on or about April 23, 2009.

9. On or about May 1, 2009, in Hudson County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute the scheme and artifice, defendant

JAMES P. KING

placed and caused to be placed in a post office and authorized depository for mail, and caused to be delivered thereon, certain mail matter to be sent and delivered by the United States Postal Service - namely, the materially false ELEC Report - and knowingly caused the ELEC Report to be delivered by mail to ELEC

in Trenton, New Jersey.

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

Forfeiture Allegation


As the result of committing the aforementioned offense in violation of Title 18, United States Code, Section 1341 and Section 2, as alleged in this Superseding Information, defendant JAMES P. KING shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constituted and was derived from proceeds traceable to the commission of the offenses, including, but not limited to, approximately \$5,000 in United States currency, in that such sum constituted and was derived from proceeds traceable to the commission of mail fraud, in violation of Title 18, United States Code, Section 1341 and Section 2.

If any of the above-described forfeitable property, as a result of any act or omission of defendant JAMES P. KING:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of defendant JAMES P. KING up to the value of the above forfeitable property.

In violation of Title 18, United States Code, Section
981(a)(1)(C) and Title 28, United States Code, Section 2461.


PAUL J. FISHMAN
United States Attorney

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UNITED STATES OF AMERICA

v.

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SUPERSEDING INFORMATION

**18 U.S.C. §§ 2, 981(a)(1)(C), and 1341;
28 U.S.C. § 2461**

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