

NEWS

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FOR IMMEDIATE RELEASE
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Guttenberg Mayor and Wife Indicted for Diverting Campaign
Contributions, Taking Cash in Return for Official Actions

(More)

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NEWARK – Guttenberg Mayor David Della Donna and his wife surrendered today to Special Agents of the FBI on an Indictment that charges them, in part, with using their official positions to benefit a local bar owner in return for cash payments, which were used for the defendants' personal expenses, such as plastic surgery and gambling in Atlantic City, U.S. Attorney Christopher J. Christie announced.

The Indictment also accuses them of diverting cash contributions intended for political campaign committees of the mayor and other municipal candidates.

A two-count Indictment, which was returned by a grand jury yesterday and unsealed today, charges David Della Donna, 49, and Anna Della Donna, 58, both with one count each of conspiracy to commit mail fraud and conspiracy to commit extortion. The defendants surrendered voluntarily this morning to Special Agents with the FBI in Newark and were scheduled to make initial appearances in federal court at 2 p.m. before U.S. Magistrate Judge Claire C. Cecchi.

The charges allege that the Della Donnas conspired to divert campaign contributions from various campaign committees, including David Della Donna's own mayoral campaign committee, as well as the campaign committees of other individuals who ran for town council and who affiliated themselves with David Della Donna. The charges name three sources of these cash campaign contributions – a local bar operator, a real estate developer and a Guttenberg fire official.

By diverting the cash contributions, the defendants caused fraudulent campaign contribution reports to be filed with the New Jersey Election Law Enforcement Commission. Furthermore, from 2002 to 2006, the defendants filed Financial Disclosure forms with the N.J. Department of Community Affairs, Local Government Services Division, Local Finance Board, that intentionally failed to disclose the defendants' receipt of the cash contributions, as required.

The Indictment also charges the defendants with extorting cash contributions and other payments and benefits from the bar operator. The charges state that in exchange for these payments and benefits, the Della Donnas agreed to take or refrain from taking official action to assist the bar operator, including assisting the bar operator with problems that the bar operator was having with the Police Department and the Town Council, as well as assisting the bar operator in connection with attempting to obtain a variance on a residential property in the town and with multiple citations for improper storage and garbage disposal.

According to the Indictment, David Della Donna has been the Mayor since 2002, and was a town council member prior to that. Anna Della Donna was a member of the town's planning board since 2002.

In addition to cash contributions, the defendants allegedly solicited and accepted various additional payments of cash, goods, and services from the bar operator in 2002 through 2005. The additional payments allegedly included approximately \$2,000 in cash for cosmetic surgery for Anna Delle Donna; several thousand dollars in cash for defendant Anna Delle Donna to gamble with in Atlantic City casinos and elsewhere; approximately \$1,000 in department store gift cards; and the purchase of a dog and related accessories costing in excess of \$1,000.

David and Anna Della Donna are charged in Count One with conspiring to commit mail fraud and in Count Two with conspiring to obstruct interstate commerce by extortion. Both charges carry statutory maximum prison sentences of 20 years and maximum fines of \$250,000 per count.

In determining an actual sentence, the judge to whom the case is assigned would, upon a conviction, consult the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence. Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Despite indictment, each of the defendants is presumed innocent unless proven guilty beyond a reasonable doubt.

Christie credited Special Agents of the FBI, under the direction of Special Agent in Charge Weyan Dun, with developing the investigation.

The case is being prosecuted by Assistant U.S. Attorneys Thomas R. Calcagni and Rachael A. Honig of the U.S. Attorney's Office Special Prosecutions Division in Newark.

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Counsel for defendants:

Brian J. Neary, Esq. (Hackensack) for Anna Della Donna

Ralph J. Lamparello, Esq. (Secaucus) for David Della Donna