

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Crim. No. 12-
: 18 U.S.C. §§ 666(a)(1)(B),
KIM B. DAVIS : 981(a)(1)(C), 1951(a) and § 2,
: and 28 U.S.C. § 2461

INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT 1

(Conspiracy to Commit Extortion Under Color of Official Right)

1. At all times relevant to Counts 1 to 3 of this
Indictment:

a. Defendant KIM DAVIS was a Certified Technical
Assistant to Construction Officials in the Building Division of
the Property Maintenance Department of the City of East Orange,
New Jersey. The Building Division was responsible for the
enforcement of the New Jersey Uniform Construction Code, and the
approval of all applications for construction, alterations and
renovations of buildings within the City of East Orange.

b. There was an individual who was an Inspector in
the Code and Enforcement Division of the Property Maintenance
Department of the City of East Orange (hereinafter,
"Coconspirator 1").

c. There was an individual property owner seeking to

develop and construct on residential property in East Orange (hereinafter, "Individual 1"), which development and construction would require approvals from the City of East Orange and affect interstate commerce.

2. In or about 2007, in Essex County, in the District of New Jersey and elsewhere, defendant

KIM B. DAVIS

did knowingly and intentionally conspire and agree with Coconspirator 1 and others to obstruct, delay and affect interstate commerce by extortion under color of official right - that is, by obtaining corrupt cash payments from property owners and developers in the City of East Orange ("East Orange"), including Individual 1, with the consent of such property owners and developers, in exchange for the official assistance, action and influence of defendant DAVIS and Coconspirator 1 in East Orange Government matters.

3. It was the object of the conspiracy that defendant DAVIS, Coconspirator 1 and others solicited, accepted and agreed to accept corrupt cash payments from property owners and developers in East Orange, including Individual 1, in exchange for the official assistance, action and influence of defendant DAVIS and Coconspirator 1 in East Orange Government matters.

In violation of Title 18, United States Code, Section 1951(a).

COUNT 2
(Extortion Under Color of Official Right)

1. Paragraph 1 of Count 1 of this Indictment is hereby incorporated and realleged as if fully set forth herein.

2. On or about September 7, 2007, in Essex County, in the District of New Jersey, and elsewhere, defendant

KIM B. DAVIS

did knowingly and willfully obstruct, delay and affect interstate commerce by extortion under color of official right, that is, by obtaining a corrupt cash payment in the amount of approximately \$5,000 provided by Individual 1, with consent, in exchange for the official assistance, action and influence of defendant DAVIS in East Orange Government matters.

In violation of Title 18, United States Code, Section 1951(a) and Section 2.

COUNT 3

(Corrupt Solicitation/Acceptance of Thing of Value)

1. Paragraph 1 of Count 1 of this Indictment is hereby incorporated and realleged as if fully set forth herein.

2. At all times relevant to Count 3 of this Indictment, the City of East Orange received benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance or other federal assistance during a one-year period.

3. On or about September 7, 2007, in Essex County, in the District of New Jersey, and elsewhere, defendant

KIM B. DAVIS

did knowingly and corruptly solicit, demand, and accept and agree to accept a thing of value from another, namely a cash payment in the amount of approximately \$5,000 from Individual 1, intending to be influenced and rewarded in connection with a business, transaction and series of transactions of the City of East Orange, involving a thing of value of \$5,000 and more.

In violation of Title 18, United States Code, Section 666(a)(1)(B) and Section 2.

Forfeiture Allegation

As the result of committing the aforementioned offenses in violation of Title 18, United States Code, Sections 666(a)(1)(B), 1951(a) and 2, as alleged in this Indictment, defendant KIM DAVIS 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 constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to, approximately \$5,000 in United States currency, in that such sum constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of bribery, the conspiracy to commit extortion under color of official right or extortion, as alleged in the Indictment.

If any of the above-described forfeitable property, as a result of any act or omission of defendant KIM DAVIS:

- (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

KIM DAVIS 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.

A TRUE BILL

Paul J. Fishman

PAUL J. FISHMAN
UNITED STATES ATTORNEY

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

KIM B. DAVIS

INDICTMENT FOR

18 U.S.C. §§ 666(a)(1)(B), 981(a)(1)(C)
1951(a) & § 2 and 28 U.S.C. § 2461

PAUL J. FISHMAN

U. S. ATTORNEY

NEWARK, NEW JERSEY

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