

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 12-
 :
 v. :
 : 18 U.S.C. §§ 666(a)(1)(B)
 KENNETH M. HUBER : and 981(a)(1)(C), and
 : 28 U.S.C. § 2461

INFORMATION

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

1. At all times relevant to this Information:

a. Defendant KENNETH M. HUBER ("defendant HUBER") was an Engineer employed by the State of New Jersey, Department of Transportation (the "NJDOT"). As an NJDOT Engineer, defendant HUBER was responsible for the oversight of work performed by private contractors for the NJDOT. In this regard, defendant HUBER was the Resident Engineer on an NJDOT project on New Jersey Routes 1 and 9 in Bergen and Hudson Counties (the "1&9 Project"). As the Resident Engineer on the 1&9 Project, defendant HUBER was responsible for ensuring that the Project was completed according to its plans and specifications. This included his participation in (i) the authorization and approval of payments to the contractors for work completed and (ii) the generation and approval of change orders where the contractor was required to perform additional and extra work outside of the scope of work

initially contemplated by the Project's plans and specifications.

b. There was an individual (the "Contractor") who was the proprietor of a contracting company (the "Contracting Company"). The Contracting Company was an NJDOT pre-approved contractor for the installation of utilities on NJDOT projects. The Contracting Company conducted work, including utility work, on the 1&9 Project. Defendant HUBER and the Contractor participated in meetings with others involved in the 1&9 Project to discuss the progress of work and the necessity of such change orders.

c. The State of New Jersey and the NJDOT received in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance in the relevant one-year period.

2. In or about 2007, defendant HUBER and the Contractor agreed that defendant HUBER would accept money payments from the Contractor to assist the Contractor in obtaining official approval and payment of certain change orders for the Contracting Company totaling in excess of \$300,000.

3. In or about May 2007, in northern New Jersey, defendant HUBER also solicited the Contractor to assist in funding the purchase of a tractor for defendant HUBER to reward defendant HUBER's past official assistance to the Contractor and the Contracting Company and in an exchange for defendant HUBER's

continued official assistance in obtaining work and payments for the Contractor and the Contracting Company. On or about May 16, 2007, the Contractor obtained an official check in the amount of \$24,000 from a bank in New Jersey payable to an equipment company in Honesdale, Pennsylvania to assist in paying for the tractor and tractor-related equipment for defendant HUBER. On or about May 16, 2007, defendant HUBER accepted this check from the Contractor in the area of the 1&9 Project site in northern New Jersey. Defendant HUBER then used that check to fund the purchase of the tractor and tractor-related equipment.

4. On or about May 16, 2007, in the District of New Jersey, and elsewhere, defendant

KENNETH M. HUBER

did knowingly and corruptly solicit and demand for the benefit of himself, and accept and agree to accept, approximately \$24,000, intending to be influenced and rewarded in connection with a business, transaction and series of transactions of a state government and state government department involving a thing of value of \$5,000 and more.

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

FORFEITURE ALLEGATION

As a result of committing the aforementioned offense in violation of Title 18, United States Code, Sections 666(a)(1)(B), defendant KENNETH M. HUBER 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 or was derived from proceeds traceable to the commission of the aforementioned offense, to include up to approximately \$24,000.

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

- (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 HUBER up to the value of the above forfeitable property.

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



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

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UNITED STATES OF AMERICA

v.

KENNETH M. HUBER

INFORMATION FOR

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

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