

NEWS

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FOR IMMEDIATE RELEASE
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Former Executive Director of Utilities
Authority Convicted on Corruption Charges

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NEWARK – A federal jury today convicted the former executive director of the Western Monmouth Utilities Authority, Frank G. Abate, of taking thousands of dollars worth of free architectural drawings for his home from developers in exchange for exercising his authority in favor of those developers, U.S. Attorney Christopher J. Christie announced.

Following a two-week trial, the jury convicted Abate on five counts of defrauding the public of his honest services and one count of obstructing a grand jury investigation. The jury deliberated about 10 hours over two days.

In finding Abate guilty, the jury found that Abate corruptly traded on his position as the WMUA's Executive Director when developers with matters pending before the WMUA paid \$4,800 for architectural plans for improvement's to Abate's home. The jury also concluded that Abate tried to conceal his corrupt acts and impede a federal investigation.

The jury acquitted Abate of four other counts of defrauding the public of his honest services, two counts of extortion and one other count of obstructing a grand jury investigation.

Abate, 60, of Marlboro, was arrested on Nov. 21, 2006 by Special Agents of the FBI on the 13-count Indictment.

“Abate operated with arrogance and a sense of entitlement,” said Christie. “A generous public paycheck was not enough, so he used his position and authority to corrupt the utilities authority and serve himself.”

U.S. District Judge Susan D. Wigenton scheduled sentencing for Aug. 13. Abate remains free on bail pending sentencing.

The case was prosecuted by Assistant U.S. Attorneys Richard E. Constable, III and Rachael A. Honig of the U.S. Attorney's Office Special Prosecutions Division.

According to the government's calculation under the advisory U.S. Sentencing Guidelines, Abate faces a probable sentencing range of between 51 and 63 months in federal prison. However, Judge Wigenton, while required to consult the guidelines, has wide discretion and can impose a sentence within the range or above or below the range. The Sentencing Guidelines take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors.

The honest services counts on which Abate was convicted related to Abate's failure to disclose to the WMUA's Commissioners or the public that he allowed residential home developers Bernard and Steven Meiterman to pay \$4,800 toward two separate sets of architectural plans relating to Abate's home addition and the remodeling of his garage.

According to testimony and evidence at trial, during the spring of 2002 the Meitermans employed an architect to draft architectural plans for an addition to Abate's home. The architect put approximately 60 to 80 hours into developing the plans for Abate, and gave them to him.

The architect sent a \$2,500 bill for the plans to the Meitermans, who at the time had several applications to the WMUA seeking critical approvals for sewage connections to multi-million home projects.

Testimony at trial revealed that Abate used the WMUA's in-house electrical contractor to perform approximately \$7,000 in work on Abate's home addition. Abate was never billed for the electrical work. Similarly, the WMUA's in-house heating and cooling contractor performed approximately \$5,000 in work on Abate's home. Abate was never billed for that work either.

Testimony also revealed that the Meitermans paid the same architect discussed above \$2,300 in 2005 for architectural plans for the expansion and remodeling of Abate's garage.

The obstruction count on which he was convicted related to Abate's attempt to conceal that the Meitermans had paid for both architectural plans.

The architect received a federal grand jury subpoena on Feb. 14, 2006, seeking his testimony. Three days later, the architect discussed the subpoena with the Meitermans.

On March 6, Abate sent a letter to the architect with a check for \$250. The note said, "... for your services Thanks! Frank." The architect subsequently telephoned Abate to say the check was redundant since he had already been paid by the developers. In a recorded conversation, Abate said he was aware of the payment from the developers. The following exchange occurred:

Abate: "Well, here's my dilemma, um, I don't know if you know, but everybody's being looked at."

Architect: "Yeah, I already received a subpoena to send in my documents, ya know. Ya know, they wanted copies of the drawings."

Abate: "So, that's why I sent you that money."

Christie credited Special Agents of the FBI Red Bank Resident Agency, under the direction of Acting Special Agent in Charge Pedro Ruiz, and Special Agents of the Internal Revenue Service, under the direction of Special Agent in Charge William P. Offord, with the investigation leading to today's conviction.

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Defense Counsel: Joseph Benedict, Esq., New Brunswick