



U.S. Department of Justice
United States Attorney
District of New Jersey
Special Prosecutions Division

PAUL J. FISHMAN
United States Attorney

Peter Rodino Federal Building
970 Broad Street Suite 700
Newark, New Jersey 07102

Mala Ahuja Harker
Assistant United States Attorney

(973) 645-2730
Fax: (973) 297-2006

2013R00798/MAH/JSP

October 27, 2015

Michael Baldassare, Esq.
Baldassare & Mara, LLC
570 Broad Street, Suite 900
Newark, New Jersey 07102

Re: Plea agreement with Linda Watkins Brashear

Dear Mr. Baldassare:

This letter sets forth the plea agreement between your client, LINDA WATKINS BRASHEAR, and the United States Attorney for the District of New Jersey ("this Office"). Should your client wish to accept this agreement, the executed original must be received by this office no later than the close of business on November 4, 2015. If an executed agreement is not returned to this Office by that date, this offer will expire.

Charges

Conditioned on the understandings specified below, this Office will accept a guilty plea from LINDA WATKINS BRASHEAR to Count 1 and Count 5 of a 5-count Information, which charges her in: Count 1 with conspiracy to defraud the Newark Watershed Conservation and Development Corporation ("NWCDC") of honest services, money and property through the use of interstate wire transmissions, in violation of 18 U.S.C. §§ 1343 and 1346 and § 2; and (2) Count 5 with making and subscribing a false personal tax return for the year 2012 in violation of 26 U.S.C. § 7206(1). If LINDA WATKINS BRASHEAR enters a guilty plea and is sentenced on these charges, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against LINDA WATKINS BRASHEAR related to her engaging in a scheme to defraud the NWCDC of her honest services, money and property by conducting fraud and accepting kickbacks facilitated by the use of interstate wire transmissions from in or about September 2008 through in or about March 2013, or for making and subscribing to false personal federal income tax returns between

in or about April 2010 and in or about April 2013. In addition, if LINDA WATKINS BRASHEAR fully complies with all of the terms of this agreement, at the time of sentencing in this matter, this Office will move to dismiss Counts 2 through 4 of the Information. However, in the event that a guilty plea in this matter is not entered for any reason or the judgment of conviction entered as a result of this guilty plea does not remain in full force and effect, LINDA WATKINS BRASHEAR agrees that any dismissed charges and any other charges that are not time-barred by the applicable statutes of limitations on the date that this agreement is signed by LINDA WATKINS BRASHEAR may be commenced against her, notwithstanding the expiration of the limitations period after LINDA WATKINS BRASHEAR signs the agreement.

Sentencing

The violations of 18 U.S.C. §§ 1343 and 1346 to which LINDA WATKINS BRASHEAR agrees to plead guilty carries a statutory maximum prison sentence of 20 years and a statutory maximum fine equal to the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense.

The violation of 26 U.S.C. § 7206(1) to which LINDA WATKINS BRASHEAR agrees to plead guilty carries a statutory maximum prison sentence of 3 years and a fine of \$100,000. Pursuant to the alternative fine provision of 18 U.S.C. § 3571, the alternative statutory maximum fine is equal to the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense.

The sentence on each count may run consecutively. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon LINDA WATKINS BRASHEAR is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act, 18 U.S.C. § 3551-3742, and the sentencing judge's consideration of the United States Sentencing Guidelines. The United States Sentencing Guidelines are advisory, not mandatory. The sentencing judge may impose any reasonable sentence up to and including the statutory maximum term of imprisonment and the maximum statutory fine. This Office cannot and does not make any representations or promises as to what guideline range may be found by the sentencing judge, or as to what sentence LINDA WATKINS BRASHEAR ultimately will receive.

Further, in addition to imposing any other penalty on LINDA WATKINS BRASHEAR, the sentencing judge: (1) will order LINDA WATKINS BRASHEAR to pay an assessment of \$100 per count pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) must order LINDA WATKINS BRASHEAR to pay restitution pursuant to 18 U.S.C. § 3663 et seq.; (3) may order LINDA WATKINS BRASHEAR, pursuant to 18 U.S.C. § 3555, to give notice to any victims of her offenses; (4) may order LINDA WATKINS BRASHEAR to pay the costs of prosecution with respect to the offense set forth in Count 5 of the Information (making and subscribing false tax return); and (5) pursuant to 18

U.S.C. § 3583, may require LINDA WATKINS BRASHEAR to serve a term of supervised release of not more than three years for Count 1 of the Information and not more than one year of supervised release on Count 5 of the Information, which will begin at the expiration of any term of imprisonment imposed. Should LINDA WATKINS BRASHEAR be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, LINDA WATKINS BRASHEAR may be sentenced to not more than two years of imprisonment for Count 1 of the Information and not more than one year of imprisonment on Count 5 of the Information in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

In addition, LINDA WATKINS BRASHEAR agrees to make full restitution for all losses resulting from the offense of conviction or from the scheme, conspiracy, or pattern of criminal activity underlying Count 1 of the Information in the amount of \$999,683.54.

In addition to the foregoing, and pursuant to 18 U.S.C. § 3663(a)(3), LINDA WATKINS BRASHEAR agrees to pay restitution in the amount of \$275,000 to \$350,000, to be more specifically determined by the Internal Revenue Service prior to sentencing, as the tax loss in this case. The restitution amount shall be paid according to a plan established by the Court. If the Court orders LINDA WATKINS BRASHEAR to pay restitution to the Internal Revenue Service for the failure to pay tax, either directly as part of the sentence or as a condition of supervised release, the Internal Revenue Service will use the restitution order as the basis for a civil assessment. See 26 U.S.C. § 6201(a)(4)(C). Neither the existence of a restitution payment schedule nor LINDA WATKINS BRASHEAR's timely payment of restitution according to the schedule will preclude the Internal Revenue Service from administrative collection of the restitution-based assessment, including levy and distraint under 26 U.S.C. § 6331.

Rights of This Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on LINDA WATKINS BRASHEAR by the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the sentencing judge and the United States Probation Office all law and information relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of: (1) this agreement; and (2) the full nature and extent of LINDA WATKINS BRASHEAR's activities and relevant conduct with respect to this case.

Stipulations

This Office and LINDA WATKINS BRASHEAR agree to stipulate at sentencing to the statements set forth in the attached Schedule A, which hereby is made a part of this plea agreement. This agreement to stipulate, however, cannot and does not bind the sentencing judge, who may make independent factual findings and may reject any or all of the stipulations entered into by the parties. To the extent that the parties do not stipulate to a particular fact or legal

conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with any stipulation in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or LINDA WATKINS BRASHEAR from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentence proceedings that the sentencing court was within its discretion and authority to do so. These stipulations do not restrict this Office's right to respond to questions from the Court and to correct misinformation that has been provided to the Court.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and LINDA WATKINS BRASHEAR waive certain rights to file an appeal, collateral attack, writ, or motion after sentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255.

Forfeiture

LINDA WATKINS BRASHEAR agrees that as part of her acceptance of responsibility and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, LINDA WATKINS BRASHEAR will consent to the entry of a forfeiture money judgment in the amount of \$999,683.54 in United States currency (the "Forfeiture Money Judgment"). LINDA WATKINS BRASHEAR acknowledges that the Forfeiture Money Judgment is subject to forfeiture as property, real or personal, that constitutes or is derived from proceeds traceable to violations of 18 U.S.C. §§ 1343 and 1346, which constitute specified unlawful activities and/or substitute assets for property subject to forfeiture, as described in 21 U.S.C. § 853(p).

Payment of the Forfeiture Money Judgment shall be made by certified or bank check, with the criminal docket number noted on the face of the check, payable to the United States Marshals Service. On or before the date LINDA WATKINS BRASHEAR enters her plea of guilty pursuant to this agreement, LINDA WATKINS BRASHEAR shall cause said check to be hand delivered to the Asset Forfeiture and Money Laundering Unit, United States Attorney's Office, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102.

LINDA WATKINS BRASHEAR agrees to disclose, prior to the entry of her guilty plea, all of her assets to the United States on the attached Financial Disclosure Statement. LINDA WATKINS BRASHEAR agrees that if the government determines that LINDA WATKINS BRASHEAR has intentionally failed to disclose assets on that Financial Disclosure Statement, that failure constitutes a material breach of this agreement. In addition, LINDA WATKINS BRASHEAR consents to the administrative, civil, and/or criminal forfeiture of her interests in any assets that she failed to disclose on the Financial Disclosure Statement. Should undisclosed assets that LINDA WATKINS BRASHEAR owns or in which she has an interest be discovered, LINDA WATKINS BRASHEAR knowingly and voluntarily waives her right to any

required notice concerning the forfeiture of said assets. LINDA WATKINS BRASHEAR further agrees to execute any documents necessary to effectuate the forfeiture of said assets.

If the Forfeiture Money Judgment is not paid on or before the date LINDA WATKINS BRASHEAR enters her plea of guilty pursuant to this agreement, interest shall accrue on any unpaid portion thereof at the judgment rate of interest from that date. Furthermore, if LINDA WATKINS BRASHEAR fails to pay any portion of the Forfeiture Money Judgment on or before the date of her guilty plea, LINDA WATKINS BRASHEAR consents to the forfeiture of any other property alleged to be subject to forfeiture in the Information, including substitute assets, in full or partial satisfaction of the Forfeiture Money Judgment, and remains responsible for the payment of any deficiency until the Forfeiture Money Judgment is paid in full.

LINDA WATKINS BRASHEAR hereby waives any and all claims that this forfeiture constitutes an excessive fine and agrees that this forfeiture does not violate the Eighth Amendment.

Immigration Consequences

LINDA WATKINS BRASHEAR understands that, if she is not a citizen of the United States, her guilty plea to the charged offenses may likely result in her being subject to immigration proceedings and removed from the United States by making her deportable, excludable, or inadmissible, or ending her naturalization. LINDA WATKINS BRASHEAR understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. LINDA WATKINS BRASHEAR wants and agrees to plead guilty to the charged offenses regardless of any immigration consequences of this plea, even if this plea will cause her removal from the United States. LINDA WATKINS BRASHEAR understands that she is bound by this guilty plea regardless of any immigration consequences of the plea. Accordingly, LINDA WATKINS BRASHEAR waives any and all challenges to her guilty plea and to her sentence based on any immigration consequences, and agrees not to seek to withdraw her guilty plea, or to file a direct appeal or any kind of collateral attack challenging her guilty plea, conviction, or sentence, based on any immigration consequences of her guilty plea.

Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so.

This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against LINDA WATKINS BRASHEAR. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service), or any third party from initiating or prosecuting any civil or administrative proceeding against LINDA WATKINS BRASHEAR.

No provision of this agreement shall preclude LINDA WATKINS BRASHEAR from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that LINDA WATKINS BRASHEAR received constitutionally ineffective assistance of counsel.

Prior to the date of sentencing, LINDA WATKINS BRASHEAR shall: (1) sign IRS Form 870 (Waiver of Restrictions on Assessment and Collection of Deficiency in Tax) relating to tax years 2009 through 2012; (2) provide all appropriate documentation to the IRS in support of such returns, upon request; (3) pay to the IRS all taxes and penalties owed on the above-referenced returns or, if unable to do so, make satisfactory repayment arrangements with the IRS; and (4) fully cooperate with the IRS and comply with the tax laws of the United States. Further, LINDA WATKINS BRASHEAR agrees to allow the contents of her IRS criminal file to be given to civil attorneys and support staff of the IRS to enable them to investigate any and all civil penalties that may be due and owing by LINDA WATKINS BRASHEAR. With respect to disclosure of the criminal file to the IRS, LINDA WATKINS BRASHEAR waives any rights under Title 26, United States Code, Section 7213 and Fed. R. Crim. P. 6(e), and any other right of privacy with respect to LINDA WATKINS BRASHEAR's tax returns and return information.

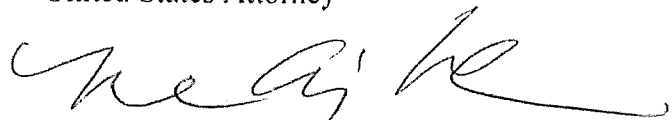
This agreement is subject to the approval of the United States Department of Justice, Tax Division.

No Other Promises

This agreement constitutes the plea agreement between LINDA WATKINS BRASHEAR and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions will be made unless set forth in writing and signed by the parties.

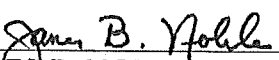
Very truly yours,

PAUL J. FISHMAN
United States Attorney



By: MALA AHUJA HARKER
JACQUES S. PIERRE
Assistant U.S. Attorneys

APPROVED:



JAMES B. NOBILE
Chief, Special Prosecutions Division

I have received this letter from my attorney, Michael Baldassare, Esq. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charges, sentencing, restitution, forfeiture, stipulations, waiver, and immigration consequences. I understand this letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:


LINDA WATKINS BRASHEAR

Date: 10.27.15

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charges, sentencing, restitution, forfeiture, stipulations, waiver, and immigration consequences. My client understands this plea agreement fully and wants to plead guilty pursuant to it.


MICHAEL BALDASSARE, ESQ.

Date: 10/27/15

Plea Agreement with LINDA WATKINS BRASHEAR

Schedule A

1. This Office and LINDA WATKINS BRASHEAR recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and LINDA WATKINS BRASHEAR nevertheless agree to the stipulations set forth herein.

2. The version of the United States Sentencing Guidelines effective November 1, 2015 applies in this case.

Count 1 of the Information
Scheme to Defraud Facilitated by Use of Interstate Wire Transmissions
18 U.S.C. §§ 1343 and 1346

3. The applicable guideline is U.S.S.G. § 2C1.1. The guideline carries a Base Offense Level of 14 pursuant to U.S.S.G. § 2C1.1(a)(1).

4. The parties agree that the offense involved more than one bribe or extortion, which results in a 2-level increase pursuant to U.S.S.G. § 2C1.1(b)(1).

5. The parties further agree that the value of the payments, the benefit received or to be received in return for the payment, or the value of anything obtained or to be obtained by a public official or others acting with a public official, was more than \$550,000 but not more than \$1,500,000. This results in a 14-level increase pursuant to U.S.S.G. §§ 2C1.1(b)(2) and 2B1.1(b)(1)(H).

6. The parties further agree that the offense involved a public official in a high-level decision-making and sensitive position, which results in a 4-level increase pursuant to U.S.S.G. 2C1.1(b)(3).

7. The parties further agree that LINDA WATKINS BRASHEAR was an organizer or leader of the offense conduct that involved five or more participants and was otherwise extensive, resulting in a 4-level increase pursuant to U.S.S.G. § 3B1.1(a).

8. Accordingly, the parties agree that the offense level for Count 1 of the Information is 38.

Count 5 of the Information
Subscribing to False Tax Returns – 26 U.S.C. § 7206(1)

9. The applicable guideline is U.S.S.G § 2T1.1, which requires the application of U.S.S.G. § 2T4.1.

10. The parties agree that the total tax loss for calendar years 2009 through 2012 is more than \$250,000 but not more than \$550,000. This results in a Base Offense Level of 18 pursuant to U.S.S.G. § 2T4.1(G).

11. The parties further agree that the offense involved the failure to report or to correctly identify the source of income exceeding \$10,000 in a year from criminal activity, which results in a 2-level increase pursuant to U.S.S.G. § 2T1.1(b)(1).

12. The parties further agree that the offense involved sophisticated means, which results in a 2-level increase pursuant to U.S.S.G. § 2T1.1(b)(2).

13. Accordingly, the parties agree that the offense level as to Count 1 of the Information is 22.

Multiple Count Analysis

15. The parties agree that Count 5 does not group together with Count 1 for purposes of determining a single offense level, pursuant to U.S.S.G. § 3D1.2.

16. The parties further agree that because Count 5 is independently 9 or more levels less serious than Counts 1, Count 5 does not increase the applicable offense level. See U.S.S.G. § 3D1.4(c).

17. The parties agree that pursuant to U.S.S.G. § 3D1.4, the combined offense level for Count 1 and Count 5 is 38.

Miscellaneous

18. As of the date of this letter, LINDA WATKINS BRASHEAR has demonstrated a recognition and affirmative acceptance or personal responsibility for the offenses charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if LINDA WATKINS BRASHEAR's acceptance of responsibility continued through the date of sentencing. See U.S.S.G. § 3E1.1(a).

19. As of the date of this letter, LINDA WATKINS BRASHEAR has assisted authorities in the investigation or prosecution of her own conduct by timely notifying authorities of her intention to enter a plea of guilty, thereby permitting this Office to avoid preparing for trial and permitting this Office and the court to allocate their resources efficiently. At sentencing, this Office will move for a further 1-point reduction in LINDA WATKINS BRASHEAR's offense level pursuant to U.S.S.G. § 3E1.1(b) if the following conditions are met: (a) LINDA WATKINS BRASHEAR enters a plea pursuant to this agreement, (b) this Office in its discretion

determines that LINDA WATKINS BRASHEAR's acceptance of responsibility has continued through the date of sentencing and LINDA WATKINS BRASHEAR therefore qualifies for a 2-point reduction pursuant to U.S.S.G. § 3E1.1(a), and (c) LINDA WATKINS BRASHEAR's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater.

20. In accordance with the above, the parties agree that the total Guidelines offense level applicable to LINDA WATKINS BRASHEAR is 35 (the agreed total guidelines offense level").

21. Pursuant to Title 18, United States Code, Section 3553(a), LINDA WATKINS BRASHEAR reserves the right to move for a downward variance. This Office reserves the right to oppose such a motion. The parties agree not seek or argue for any upward or downward departure, adjustment or variance not set forth herein. The parties further agree that a sentence within the Guidelines range that results from the agreed total Guidelines offense level of 35 is reasonable.

22. LINDA WATKINS BRASHEAR knows that she has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to any appeal under 18 U.S.C. § 3742 or a motion under 18 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 35. This Office will not file any appeal, motions or writ which challenges the sentence imposed by the sentencing court if that sentence falls within or above the Guidelines range that results from the agreed total Guidelines offense level of 35. The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court's determination of the criminal history category. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

23. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motions not barred by the preceding paragraph.